

**EIGHTY-THIRD GENERAL ASSEMBLY  
2010 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

MARCH 30, 2010

**HOUSE FILE 2531**

**H-8655**

1 Amend the Senate amendment, H-8640, to House File  
2 2531, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 11, line 37, after <who> by inserting <has  
5 previously been convicted of a violation enumerated in  
6 this section or an equivalent offense in another state  
7 and, within twelve months of such conviction,>  
8 2. Page 11, line 45, by striking <may> and  
9 inserting <may shall>  
10 3. By renumbering as necessary.

**By** R. OLSON of Polk

**H-8655** FILED MARCH 29, 2010

**HOUSE FILE 2531**

**H-8662**

1 Amend the Senate amendment, H-8640, to House File  
2 2531, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 6, after line 33 by inserting:  
5 <\_\_\_\_. Page 31, after line 23 by inserting:  
6 <Sec. \_\_\_\_\_. IMPASSE PROCEDURE AND MEDIATION INTERIM  
7 STUDY. The legislative council is requested to approve  
8 an interim study committee for purposes of examining  
9 the issues related to sections 20.19 and 20.20 and  
10 rural water systems.>>  
11 2. Page 8, by striking lines 10 through 18 and  
12 inserting:  
13 <\_\_\_\_. By striking page 35, line 23, through page  
14 37, line 11.>  
15 3. By renumbering as necessary.

**By** HORBACH of Tama

**H-8662** FILED MARCH 29, 2010

**HOUSE FILE 2531**

**H-8663**

1 Amend the Senate amendment, H-8640, to House File  
2 2531, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 11, line 37, after <who> by inserting <has  
5 previously been convicted of a violation enumerated in  
6 this section or an equivalent offense in another state  
7 and, within twelve months of such conviction,>  
8 2. By renumbering as necessary.

**By** R. OLSON of Polk

**H-8663** FILED MARCH 29, 2010

HOUSE FILE 2531

H-8664

1 Amend the Senate amendment, H-8640, to House File  
2 2531, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 57, after line 29 by inserting:

5 <\_\_\_\_. Page 46, after line 5 by inserting:

6 <DIVISION \_\_\_\_\_

7 OPEN RECORDS AND PUBLIC MEETINGS

8 Sec. \_\_\_\_\_. Section 8A.341, subsection 2, Code 2009,  
9 is amended to read as follows:

10 2. If money is appropriated for this purpose, by  
11 November 1 of each year supply a report which contains  
12 the name, gender, county, or city of residence when  
13 possible, official title, salary received during  
14 the previous fiscal year, base salary as computed  
15 on July 1 of the current fiscal year, and traveling  
16 and subsistence expense of the personnel of each  
17 of the departments, boards, and commissions of the  
18 state government except personnel who receive an  
19 annual salary of less than one thousand dollars. The  
20 number of the personnel and the total amount received  
21 by them shall be shown for each department in the  
22 report. All employees who have drawn salaries, fees,  
23 or expense allowances from more than one department  
24 or subdivision shall be listed separately under the  
25 proper departmental heading. On the request of the  
26 director, the head of each department, board, or  
27 commission shall furnish the data covering that agency.  
28 The report shall be distributed upon request without  
29 charge in an electronic medium to each caucus of the  
30 general assembly, the legislative services agency, the  
31 chief clerk of the house of representatives, and the  
32 secretary of the senate. Copies of the report shall  
33 be made available to other persons in an electronic  
34 medium upon payment of a fee, which shall not exceed  
35 the cost of providing the copy of the report. Sections  
36 22.2 through ~~22.6~~ 22.5 apply to the report. All funds  
37 from the sale of the report shall be deposited in the  
38 printing revolving fund established in section 8A.345.

39 Sec. \_\_\_\_\_. Section 8E.202, subsection 1, unnumbered  
40 paragraph 1, Code 2009, is amended to read as follows:

41 The department and each agency shall provide for the  
42 widest possible dissemination of information between  
43 agencies and the public relating to the enterprise  
44 strategic plan and agency strategic plans, including  
45 but not limited to internet access. This section does  
46 not require the department or an agency to release  
47 information which is classified as a confidential  
48 record under this Code, ~~including but not limited to~~  
49 ~~section 22.7.~~

50 Sec. \_\_\_\_\_. Section 8E.202, subsection 3, Code 2009,

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1 is amended to read as follows:

2 3. A record which is confidential under this Code,  
3 ~~including but not limited to section 22.7,~~ shall not be  
4 released to the public under this section.

5 Sec. \_\_\_\_\_. Section 21.1, Code 2009, is amended by  
6 striking the section and inserting in lieu thereof the  
7 following:

8 21.1 Intent -- Declaration of Policy.

9 1. The general assembly recognizes that open  
10 government is a cornerstone to ensuring and protecting  
11 the free exchange of information from government to the  
12 people and it is therefore the intent of the general  
13 assembly to do all of the following:

14 a. Provide access to governmental information as  
15 an essential function of government and an integral  
16 part of the routine duties of governmental officers and  
17 employees.

18 b. Balance transparency in government with the need  
19 to protect personal privacy.

20 c. Recognize barriers that may impede the public's  
21 access to governmental information and participation in  
22 governmental functions and remove those barriers.

23 d. Ensure and facilitate the public's right to  
24 access and review governmental information.

25 2. Ambiguity in the construction or application of  
26 this chapter should be resolved in favor of openness.

27 Sec. \_\_\_\_\_. Section 21.4, subsections 1 and 3, Code  
28 2009, are amended to read as follows:

29 1. ~~A Except as provided in subsection 3,~~  
30 ~~a governmental body, except township trustees,~~ shall  
31 give notice of the time, date, and place of each  
32 meeting including a reconvened meeting of the  
33 governmental body, and its the tentative agenda of  
34 the meeting, in a manner reasonably calculated to  
35 apprise the public of that information. Reasonable  
36 notice shall include advising the news media who have  
37 filed a request for notice with the governmental body  
38 and posting the notice on a bulletin board or other  
39 prominent place which is easily accessible to the  
40 public and clearly designated for that purpose at the  
41 principal office of the body holding the meeting, or  
42 if no such office exists, at the building in which the  
43 meeting is to be held.

44 3. Subsection 1 does not apply to any of the  
45 following:

46 a. A meeting reconvened within four hours of the  
47 start of its recess, where an announcement of the time,  
48 date, and place of the reconvened meeting is made at  
49 the original meeting in open session and recorded in  
50 the minutes of the meeting and there is no change in

1 the agenda.

2     b. A meeting held by a formally constituted subunit  
3 of a parent governmental body ~~may conduct a meeting~~  
4 ~~without notice as required by this section~~ during a  
5 lawful meeting of the parent governmental body, or  
6 during a recess in that meeting of up to four hours,  
7 or a meeting of that subunit immediately following  
8 ~~that the meeting of the parent governmental body,~~ if  
9 the meeting of ~~the~~ that subunit is publicly announced  
10 in open session at the parent meeting and the subject  
11 of the meeting reasonably coincides with the subjects  
12 discussed or acted upon by the parent governmental  
13 body.

14     Sec. \_\_\_\_\_. Section 21.5, subsection 1, paragraph j,  
15 Code Supplement 2009, is amended to read as follows:

16     j. To discuss the purchase of particular real  
17 estate only where premature disclosure could be  
18 reasonably expected to increase the price the  
19 governmental body would have to pay for that property.  
20 The minutes and the ~~tape~~ audio recording of a session  
21 closed under this paragraph shall be available for  
22 public examination when the transaction discussed is  
23 completed.

24     Sec. \_\_\_\_\_. Section 21.5, subsection 4, Code  
25 Supplement 2009, is amended to read as follows:

26     4. A governmental body shall keep detailed  
27 minutes of all discussion, persons present, and  
28 action occurring at a closed session, and shall also  
29 ~~tape~~ audio record all of the closed session. The  
30 detailed minutes and ~~tape~~ audio recording of a closed  
31 session shall be sealed and shall not be public records  
32 open to public inspection. However, upon order of  
33 the court in an action to enforce this chapter, the  
34 detailed minutes and ~~tape~~ audio recording shall be  
35 unsealed and examined by the court in camera. The  
36 court shall then determine what part, if any, of  
37 the minutes should be disclosed to the party seeking  
38 enforcement of this chapter for use in that enforcement  
39 proceeding. In determining whether any portion of  
40 the minutes or recording shall be disclosed to such  
41 a party for this purpose, the court shall weigh  
42 the prejudicial effects to the public interest of  
43 the disclosure of any portion of the minutes or  
44 recording in question, against its probative value as  
45 evidence in an enforcement proceeding. After such a  
46 determination, the court may permit inspection and  
47 use of all or portions of the detailed minutes and  
48 ~~tape~~ audio recording by the party seeking enforcement  
49 of this chapter. A governmental body shall keep the  
50 detailed minutes and ~~tape~~ audio recording of any closed

1 session for a period of at least one year from the date  
2 of that meeting, except as otherwise required by law.

3 Sec. \_\_\_\_\_. Section 21.6, subsection 3, paragraph a,  
4 Code 2009, is amended to read as follows:

5 a. Shall assess each member of the governmental  
6 body who participated in its violation damages in the  
7 amount of not more than five hundred dollars ~~not~~ and  
8 not less than one hundred dollars. However, if a  
9 member of a governmental body knowingly participated  
10 in such a violation, damages shall be in the amount of  
11 not more than two thousand five hundred dollars and not  
12 less than one thousand dollars. These damages shall  
13 be paid by the court imposing it to the state of Iowa,  
14 if the body in question is a state governmental body,  
15 or to the local government involved if the body in  
16 question is a local governmental body. A member of a  
17 governmental body found to have violated this chapter  
18 shall not be assessed such damages if that member  
19 proves that the member did any of the following:

20 (1) Voted against the closed session.  
21 (2) Had good reason to believe and in good faith  
22 believed facts which, if true, would have indicated  
23 compliance with all the requirements of this chapter.  
24 (3) Reasonably relied upon a decision of a  
25 court, ~~or~~ a formal opinion of the attorney general, or  
26 the attorney for the governmental body, given in  
27 writing, or as memorialized in the minutes of the  
28 meeting at which an oral opinion was given, or an  
29 advisory opinion of the attorney general or the  
30 attorney for the governmental body, given in writing.

31 Sec. \_\_\_\_\_. Section 21.8, subsection 1, unnumbered  
32 paragraph 1, Code 2009, is amended to read as follows:

33 A governmental body may conduct a meeting and  
34 individual members of a governmental body may  
35 participate in meetings of a governmental body by  
36 electronic means only in circumstances where ~~such~~ a  
37 meeting in person is impossible or impractical and  
38 only if the governmental body complies with all of the  
39 following:

40 Sec. \_\_\_\_\_. NEW SECTION. 22.0A Intent -- declaration  
41 of policy.

42 1. The general assembly recognizes that open  
43 government is a cornerstone to ensuring and protecting  
44 the free exchange of information from government to the  
45 people and it is therefore the intent of the general  
46 assembly to do all of the following:

47 a. Provide access to governmental information as  
48 an essential function of government and an integral  
49 part of the routine duties of government officers and  
50 employees.

1 b. Balance transparency in government with the need  
2 to protect personal privacy.

3 c. Recognize barriers that may impede the public's  
4 access to governmental information and participation in  
5 governmental functions and remove those barriers.

6 d. Ensure and facilitate the public's right to  
7 access and review government information.

8 2. Ambiguity in the construction or application of  
9 this chapter should be resolved in favor of openness.

10 Sec. \_\_\_\_\_. Section 22.2, subsection 1, Code 2009, is  
11 amended to read as follows:

12 1. a. Every person shall have the right to examine  
13 and copy a public record and to publish or otherwise  
14 disseminate a public record or the information  
15 contained in a public record.

16 b. Unless otherwise provided for by law, the right  
17 to examine a public record shall include the right to  
18 examine a public record without charge while the public  
19 record is in the physical possession of the custodian  
20 of the public record. ~~The~~

21 c. Unless otherwise provided for by law, the right  
22 to copy a public record shall include the right to make  
23 photographs or photographic copies while the public  
24 record is in the possession of the custodian of the  
25 public record. If a public record exists in electronic  
26 form, the governmental body shall provide a copy of the  
27 public record in electronic form, if reasonable. All  
28 rights under this section are in addition to the right  
29 to obtain a certified copy of a public record under  
30 section 622.46.

31 Sec. \_\_\_\_\_. NEW SECTION. 22.2A Record requests --  
32 time limits.

33 1. Upon receipt of an oral or written request to  
34 examine or copy a public record, the lawful custodian  
35 shall, if reasonable in the ordinary course of  
36 business, permit such examination or copying at the  
37 time of the request. If it is not reasonable in the  
38 ordinary course of business to permit examination  
39 or copying of the public record at the time of the  
40 request, the lawful custodian shall immediately  
41 notify the requester, orally or in writing, when such  
42 examination or copying may take place, which shall be  
43 no later than five business days from the time of the  
44 request unless there is good cause for further delay.  
45 If further delay is necessary because of good cause in  
46 responding to a request to examine or copy a record the  
47 lawful custodian knows is a public record, the lawful  
48 custodian shall provide the requester with a written  
49 statement detailing the reason or reasons for the delay  
50 and the date by which the request will be satisfied.



1 2. If the lawful custodian is in doubt as to  
2 whether the record requested is a public record or  
3 whether the requester should be permitted to examine  
4 or copy an optional public record specified in  
5 section 22.7, the lawful custodian shall make that  
6 determination within ten business days from the date of  
7 the request unless further delay is necessary because  
8 of good cause, which is communicated in writing to the  
9 requester. Examination or copying of the government  
10 record shall be allowed within five business days from  
11 the date the lawful custodian makes the decision in  
12 such circumstances to permit examination or copying of  
13 the record unless there is good cause for further delay  
14 in fulfilling the request as provided in subsection 1.

15 3. If the lawful custodian denies a request to  
16 examine or copy a public record, the custodian must  
17 provide the requester at the time of the denial a  
18 written statement denying the request and detailing the  
19 specific reason or reasons for the denial.

20 4. If the lawful custodian does not fulfill a  
21 request to examine or copy a public record within the  
22 times prescribed in this section, the request shall be  
23 deemed denied and the requester shall be entitled to  
24 file a lawsuit against the lawful custodian pursuant  
25 to section 22.10.

26 Sec. \_\_\_\_\_. Section 22.3, Code 2009, is amended to  
27 read as follows:

28 22.3 Supervision -- fees.

29 1. The examination and copying of public records  
30 shall be done under the supervision of the lawful  
31 custodian of the records or the custodian's authorized  
32 designee. The lawful custodian shall not require the  
33 physical presence of a person requesting or receiving  
34 a copy of a public record and shall fulfill requests  
35 for a copy of a public record received in writing, by  
36 telephone, or by electronic means. Fulfillment of a  
37 request for a copy of a public record may be contingent  
38 upon receipt of payment of expenses to be incurred  
39 in fulfilling the request and such estimated expenses  
40 shall be communicated to the requester upon receipt of  
41 the request who shall be responsible for payment of  
42 such expenses once the requester authorizes the copy  
43 of the public record. The lawful custodian may adopt  
44 and enforce reasonable rules regarding the examination  
45 and copying of the records and the protection of  
46 the records against damage or disorganization. The  
47 lawful custodian shall provide a suitable place for  
48 the examination and copying of the records, but if it  
49 is impracticable to do the examination and copying of  
50 the records in the office of the lawful custodian,

1 the person desiring to examine or copy shall pay  
2 any necessary expenses of providing a place for the  
3 examination and copying.

4 2. All expenses of the examination and copying  
5 shall be paid by the person desiring to examine or  
6 copy. The lawful custodian may charge a reasonable  
7 fee for the services of the lawful custodian or the  
8 custodian's authorized designee in supervising the  
9 examination and copying of the records or in reviewing  
10 the records for confidential information prior to  
11 release. If the lawful custodian is an executive  
12 branch agency, the lawful custodian shall provide  
13 such services at no charge to a requestor for up to  
14 three hours per month. If copy equipment is available  
15 at the office of the lawful custodian of any public  
16 records, the lawful custodian shall provide any person  
17 a reasonable number of copies of any public record in  
18 the custody of the office upon the payment of a fee.  
19 The fee for the copying service as determined by the  
20 lawful custodian shall not exceed the actual cost of  
21 providing the service. Actual costs shall include only  
22 those expenses directly attributable to supervising  
23 the examination of and making and providing copies of  
24 public records. Actual costs shall not include charges  
25 for ordinary expenses or costs such as employment  
26 benefits, depreciation, maintenance, electricity, or  
27 insurance associated with the administration of the  
28 office of the lawful custodian.

29 Sec. \_\_\_\_\_. Section 22.7, subsection 7, Code  
30 Supplement 2009, is amended to read as follows:  
31 7. Appraisals or appraisal information concerning  
32 the sale or purchase of real or personal property for  
33 public purposes, prior to ~~public announcement of a~~  
34 ~~project~~ the execution of any contract for such sale  
35 or purchase or the submission of the appraisal to the  
36 property owner or other interest holders as provided  
37 in section 6B.45.

38 Sec. \_\_\_\_\_. Section 22.7, subsection 8, Code  
39 Supplement 2009, is amended to read as follows:  
40 8. ~~Iowa department of economic development~~  
41 ~~information~~ Information on an industrial or commercial  
42 development prospect with which the Iowa department  
43 of economic development or a city is currently  
44 negotiating, prior to submission by the department or  
45 the city of a proposal for financial assistance or  
46 other incentives for the prospect for approval by the  
47 director of the department or by the governing body of  
48 the city.

49 Sec. \_\_\_\_\_. Section 22.7, subsection 10, Code  
50 Supplement 2009, is amended by striking the subsection.



1     Sec. \_\_\_\_\_. Section 22.7, subsection 11, Code  
2 Supplement 2009, is amended to read as follows:  
3     11. a. Personal information in confidential  
4 personnel records of public government bodies including  
5 but not limited to cities, boards of supervisors and  
6 school districts relating to identified or identifiable  
7 individuals who are officials, officers, or employees  
8 of the government bodies. However, the following  
9 information relating to such individuals contained in  
10 personnel records shall be public records:  
11       (1) The name and compensation of the individual  
12 including any written agreement establishing  
13 compensation or any other terms of employment  
14 excluding any information otherwise excludable from  
15 public information pursuant to this section or any  
16 other applicable provision of law. For purposes  
17 of this paragraph, "compensation" means payment of,  
18 or agreement to pay, any money, thing of value, or  
19 financial benefit conferred in return for labor or  
20 services rendered by an officer, employee, or other  
21 person plus the value of benefits including but not  
22 limited to casualty, disability, life, or health  
23 insurance, other health or wellness benefits, vacation,  
24 holiday, and sick leave, severance payments, retirement  
25 benefits, and deferred compensation.  
26       (2) The date the individual was employed by the  
27 government body.  
28       (3) The positions the individual holds or has held  
29 with the government body.  
30       (4) The educational institutions attended by the  
31 individual, including any diplomas and degrees earned,  
32 and the names of the individual's previous employers,  
33 positions previously held, and dates of previous  
34 employment.  
35       (5) Any final disciplinary action taken against the  
36 individual that resulted in the individual's discharge.  
37     b. Personal information in confidential personnel  
38 records of government bodies relating to student  
39 employees shall only be released pursuant to 20 U.S.C.  
40 { 1232g.  
41     Sec. \_\_\_\_\_. Section 22.7, subsections 40, 43, and 48,  
42 Code Supplement 2009, are amended to read as follows:  
43     40. The portion of a record request that contains  
44 an internet protocol number ~~which identifies the~~  
45 ~~computer from which a person requests a record, whether~~  
46 ~~the person using such computer makes the request~~  
47 ~~through the IowaAccess network or directly to a lawful~~  
48 ~~custodian. However, such record may be released with~~  
49 ~~the express written consent of the person requesting~~  
50 ~~the record.~~

1 43. Information obtained by the commissioner of  
2 insurance pursuant to section 502.607, subsection 2.

3 48. Sex offender registry records under chapter  
4 692A, ~~except~~ shall only be released as provided in  
5 section 692A.121.

6 Sec. \_\_\_\_\_. Section 22.7, subsection 52, paragraphs  
7 a and c, Code Supplement 2009, are amended to read as  
8 follows:

9 a. The following records relating to a charitable  
10 ~~donation made to a foundation acting solely for the~~  
11 ~~support of an institution governed by the state board~~  
12 ~~of regents, to a foundation acting solely for the~~  
13 ~~support of an institution governed by chapter 260C,~~  
14 ~~to a private foundation as defined in section 509 of~~  
15 ~~the Internal Revenue Code organized for the support~~  
16 ~~of a government body, or to an endow Iowa qualified~~  
17 ~~community foundation, as defined in section 15E.303,~~  
18 ~~organized for the support of a government body:~~

19 (1) Portions of records that disclose a donor's  
20 or prospective donor's personal, financial, estate  
21 planning, or gift planning matters.

22 (2) Records received from a donor or prospective  
23 donor regarding such donor's prospective gift or  
24 pledge.

25 (3) Records containing information about a donor or  
26 a prospective donor in regard to the appropriateness  
27 of the solicitation and dollar amount of the gift or  
28 pledge.

29 (4) Portions of records that identify a  
30 prospective donor and that provide information on the  
31 appropriateness of the solicitation, the form of the  
32 gift or dollar amount requested by the solicitor, and  
33 the name of the solicitor.

34 (5) Portions of records disclosing the identity of  
35 a donor or prospective donor, including the specific  
36 form of gift or pledge that could identify a donor  
37 or prospective donor, directly or indirectly, when  
38 such donor has requested anonymity in connection with  
39 the gift or pledge. This subparagraph does not apply  
40 to a gift or pledge from a publicly held business  
41 corporation.

42 c. Except as provided in paragraphs "a" and "b",  
43 portions of records relating to the receipt, holding,  
44 and disbursement of gifts made for the benefit of  
45 regents institutions and made through foundations  
46 established for support of regents institutions,  
47 including but not limited to written fund-raising  
48 policies and documents evidencing fund-raising  
49 practices, shall be subject to this chapter. Unless  
50 otherwise provided, the lawful custodian of all records

1 subject to this paragraph is the regents institution to  
2 be benefited by such gifts.

3 Sec. \_\_\_\_\_. Section 22.7, subsection 55, Code  
4 Supplement 2009, is amended to read as follows:

5 55. An intelligence assessment and intelligence  
6 data under chapter 692, ~~except~~ shall only be  
7 released as provided in section 692.8A.

8 Sec. \_\_\_\_\_. Section 22.7, Code Supplement 2009, is  
9 amended by adding the following new subsection:

10 NEW SUBSECTION. 65. Drafts, memoranda, or  
11 notes. Drafts, memoranda, or notes in preliminary  
12 form. However, such a record considered or used in  
13 the final formulation, recommendation, adoption, or  
14 execution of any official policy or action by a public  
15 official authorized to make such decisions for the  
16 governmental body shall be available for examination  
17 and copying at the time the record is distributed to a  
18 majority of the government body for consideration or is  
19 adopted or executed as the official policy or official  
20 action of a government body.

21 Sec. \_\_\_\_\_. NEW SECTION. 22.7A Social security  
22 numbers in public records.

23 1. To the greatest extent feasible, a government  
24 body shall not disclose a person's social security  
25 number unless the disclosure is authorized by law.

26 2. A government body shall make reasonable efforts  
27 to exclude social security numbers from public records,  
28 as follows:

29 a. Exclude social security numbers on licenses,  
30 permits, and other documents that may be readily  
31 observed by the public.

32 b. Give individuals the option not to submit a  
33 social security number to the government body unless  
34 submission of the social security number is essential  
35 to the provision of services by the government body or  
36 is required by law.

37 c. Make any other efforts to prevent social  
38 security numbers from being included in public records  
39 and to protect such numbers from disclosure.

40 3. If a public record contains a social security  
41 number, the government body shall, to the extent  
42 practicable, make reasonable efforts to redact the  
43 social security number prior to releasing the record  
44 if such redaction does not materially affect the value  
45 of the public record and is permitted by law. The  
46 redaction of a social security number from a public  
47 record shall not delay public access to the public  
48 record except for the time required to perform the  
49 actual redaction. As used in this subsection, "redact"  
50 means to render the social security number unreadable

1 or truncated so that no more than the last four digits  
2 of the social security number may be accessed as part  
3 of the record.

4 4. A government body that solicits information  
5 containing a person's social security number or that  
6 is the lawful custodian of public records containing  
7 social security numbers shall, if subject to chapter  
8 17A, adopt rules or, if a political subdivision or  
9 other public body, adopt guidelines to administer  
10 the use and disclosure of social security numbers  
11 consistent with this section.

12 Sec. \_\_\_\_\_. Section 22.10, subsection 3, paragraph b,  
13 Code 2009, is amended to read as follows:

14 b. Shall assess the persons who participated in  
15 its violation damages in the amount of not more than  
16 five hundred dollars ~~not~~ and not less than one hundred  
17 dollars. However, if a member of a government body  
18 knowingly participated in such a violation, damages  
19 shall be in the amount of not more than two thousand  
20 five hundred dollars and not less than one thousand  
21 dollars. These damages shall be paid by the court  
22 imposing them to the state of Iowa if the body in  
23 question is a state government body, or to the local  
24 government involved if the body in question is a local  
25 government body. A person found to have violated this  
26 chapter shall not be assessed such damages if that  
27 person proves that the person ~~either voted~~ did any of  
28 the following:

29 (1) Voted against the action violating this  
30 chapter, refused to participate in the action violating  
31 this chapter, or engaged in reasonable efforts under  
32 the circumstances to resist or prevent the action in  
33 violation of this chapter, ~~had~~.

34 (2) Had good reason to believe and in good faith  
35 believed facts which, if true, would have indicated  
36 compliance with the requirements of this chapter, ~~or~~  
37 ~~reasonably~~.

38 (3) Reasonably relied upon a decision of a court  
39 ~~or an~~, a formal opinion of the attorney general, or  
40 the attorney for the ~~governmental~~ government body,  
41 given in writing, or as memorialized in the minutes  
42 of the meeting at which an oral opinion was given, or  
43 an advisory opinion of the attorney general or the  
44 attorney for the government body, given in writing.

45 Sec. \_\_\_\_\_. Section 22.10, subsection 5, Code 2009,  
46 is amended by striking the subsection.

47 Sec. \_\_\_\_\_. Section 22.13, Code 2009, is amended to  
48 read as follows:

49 22.13 Settlements -- ~~governmental~~ government bodies.

50 1. A written summary of the terms of settlement,

1 including amounts of payments made to or through  
2 a claimant, or other disposition of any claim for  
3 damages made against a ~~governmental~~ government body  
4 or against an employee, officer, or agent of a  
5 ~~governmental~~ government body, by an insurer pursuant  
6 to a contract of liability insurance issued to the  
7 ~~governmental~~ government body, shall be filed with the  
8 ~~governmental~~ government body and shall be a public  
9 record.

10 2. A final binding settlement agreement between any  
11 government body of this state or unit or official of  
12 such a government body that resolves a legal dispute  
13 between such a government body and another person or  
14 entity shall be filed with the government body. For  
15 each such settlement agreement, the government body  
16 shall prepare and file, together with the settlement  
17 agreement, a brief summary indicating the identity of  
18 the parties involved, the factual and legal nature of  
19 the dispute, and the terms of the settlement. The  
20 settlement agreement and summary shall be available for  
21 public inspection.

22 Sec. \_\_\_\_\_. Section 22.14, subsection 3, Code 2009,  
23 is amended to read as follows:

24 3. If a fiduciary or other third party with custody  
25 of public investment transactions records fails to  
26 produce public records within a reasonable period of  
27 time as requested by the ~~public~~ government body, the  
28 ~~public~~ government body shall make no new investments  
29 with or through the fiduciary or other third party  
30 and shall not renew existing investments upon their  
31 maturity with or through the fiduciary or other third  
32 party. The fiduciary or other third party shall  
33 be liable for the penalties imposed under ~~section~~  
34 22.6 statute, common law, or contract due to the acts  
35 or omissions of the fiduciary or other third party ~~and~~  
36 ~~any other remedies available under statute, common law,~~  
37 ~~or contract.~~

38 Sec. \_\_\_\_\_. NEW SECTION. 22.15 Judicial branch --  
39 rules.

40 This chapter does not apply to government records  
41 owned, created, possessed, or under the control of  
42 the judicial branch related to the performance by the  
43 courts of their judicial functions. The supreme court  
44 shall prescribe rules governing access to such records  
45 consistent with the purposes of this chapter.

46 Sec. \_\_\_\_\_. NEW SECTION. 23.1 Open meetings, public  
47 records, and privacy advisory committee.

48 1. Committee established. An open meetings, public  
49 records, and privacy advisory committee is established  
50 to serve as a resource for public access to government

1 information in light of the policy of this state to  
2 provide as much public access to government information  
3 and proceedings as is consistent with the public  
4 interest and the need to protect individuals against  
5 undue invasions of personal privacy.

6 2. Membership.

7 a. The advisory committee shall consist of  
8 seventeen members including twelve voting members and  
9 five nonvoting members.

10 (1) The voting members shall be the following:

11 (a) One member representing municipal interests  
12 recommended by the Iowa league of cities, appointed by  
13 the governor.

14 (b) One member representing county or regional  
15 interests recommended by the Iowa state association of  
16 counties, appointed by the governor.

17 (c) One member representing educational interests  
18 jointly recommended by the Iowa association of school  
19 boards, the Iowa association of community college  
20 trustees, and the state board of regents, appointed by  
21 the governor.

22 (d) One member representing freedom of information  
23 advocacy group interests recommended by the Iowa  
24 freedom of information council, appointed by the  
25 governor.

26 (e) One member representing newspaper interests  
27 recommended by the Iowa newspaper association,  
28 appointed by the governor.

29 (f) One member representing broadcasting interests  
30 recommended by the Iowa broadcasters association,  
31 appointed by the governor.

32 (g) Three public members, appointed by the  
33 governor.

34 (h) The attorney general or the attorney general's  
35 designee.

36 (i) The citizens' aide or the citizens' aide's  
37 designee.

38 (j) The director of the department of cultural  
39 affairs or the director's designee.

40 (2) The nonvoting members of the advisory committee  
41 shall be a representative from the department of  
42 administrative services with expertise in electronic  
43 records, two state representatives, one appointed  
44 by the speaker of the house of representatives and  
45 one appointed by the minority leader of the house of  
46 representatives, and two state senators, one appointed  
47 by the majority leader of the senate and one appointed  
48 by the minority leader of the senate.

49 b. A majority of the advisory committee members  
50 shall constitute a quorum.



1 3. Duties. The advisory committee shall:  
2 a. Serve as the central coordinator of information  
3 about the public's right to access government  
4 information and proceedings. The advisory committee  
5 shall provide basic information about the requirements  
6 of chapters 21 and 22 and other relevant freedom of  
7 information laws and shall also provide information  
8 about best practices for state and local governments to  
9 comply with and to enforce such laws.  
10 b. Serve as a resource to support the establishment  
11 and maintenance of a central publicly accessible  
12 internet site that provides specific guidance to  
13 members of the public about utilizing the relevant law  
14 to be better informed and active participants in open  
15 government.  
16 c. Make training opportunities available to lawful  
17 custodians, government bodies, governmental bodies, and  
18 other persons subject to the requirements of chapters  
19 21 and 22 and require all newly employed persons who  
20 have responsibilities in relation to chapters 21 and  
21 22 to receive training upon initial employment and  
22 to require all employees to receive annual training  
23 thereafter approved by the advisory committee.  
24 d. Make recommendations to the governor and the  
25 general assembly by proposing legislation relating  
26 to issues involving public access to meetings of a  
27 governmental body and to records of a government body  
28 including but not limited to the following issues:  
29 (1) The categorization of government records.  
30 (2) Public employment applications.  
31 (3) Information unduly invading personal privacy  
32 including personal information on mailing lists and  
33 opt-in provisions relating to such lists.  
34 (4) Serial meetings of less than a majority of a  
35 governmental body.  
36 (5) Definitions of what constitutes a governmental  
37 body for purposes of chapter 21 and what constitutes a  
38 government body for purposes of chapter 22.  
39 e. Aid the general assembly in evaluating the  
40 impact of legislation affecting public access to  
41 government information.  
42 f. Conduct public hearings, conferences, workshops,  
43 and other meetings as necessary to address problems  
44 and suggest solutions concerning access to government  
45 information and proceedings.  
46 g. Review the collection, maintenance, and use of  
47 government records by lawful custodians to ensure that  
48 confidential records and information are handled to  
49 adequately protect personal privacy interests.  
50 4. Meetings. The advisory committee shall elect

1 a chairperson and vice chairperson. The committee  
2 shall meet at least three times per year but may meet  
3 as often as necessary. At least one of the meetings  
4 shall be held during the regular legislative session.  
5 Meetings may be called by the chairperson or at the  
6 request of four members. The advisory committee is  
7 subject to the open meetings requirements of chapter  
8 21.

9 5. Expenses or compensation.

10 a. A member of the general assembly shall be paid,  
11 in accordance with section 2.10, per diem and necessary  
12 travel and actual expenses incurred in attending  
13 meetings of the advisory committee.

14 b. Public members appointed by the governor shall  
15 receive reimbursement for actual and necessary expenses  
16 incurred while serving in their official capacity.

17 6. Funding. The advisory committee may seek  
18 grants, appropriations, and outside funding to fund the  
19 costs of public hearings, conferences, workshops, and  
20 other activities of the committee. Contributions to  
21 support the work of the committee shall not be accepted  
22 from a political party with a pecuniary or other vested  
23 interest in the outcome of the issues considered by the  
24 committee.

25 7. Staffing. The legislative services agency shall  
26 provide staffing and administrative support for the  
27 advisory committee. In addition, the committee may  
28 contract for administrative, professional, and clerical  
29 services subject to the availability of funding.

30 8. Report. The advisory committee shall conduct  
31 an evaluation of the effectiveness of the enforcement  
32 provisions in chapters 21 and 22, including an  
33 evaluation of the manner in which complaints are  
34 handled by the citizens' aide, the appropriate county  
35 attorney, and the attorney general, and shall submit a  
36 report of its findings and recommendations including  
37 a recommendation relating to the need to establish  
38 a separate enforcement agency, if necessary, to the  
39 governor and the general assembly no later than January  
40 9, 2012.

41 Sec. \_\_\_\_\_. Section 455K.4, subsection 4, Code 2009,  
42 is amended to read as follows:

43 4. Information that is disclosed under subsection  
44 2, paragraph "b", is confidential and is not subject  
45 to disclosure under chapter 22. ~~A governmental~~  
46 ~~entity, governmental employee, or governmental~~  
47 ~~official who discloses information in violation of~~  
48 ~~this subsection is subject to the penalty provided in~~  
49 ~~section 22.6.~~

50 Sec. \_\_\_\_\_. Section 22.6, Code 2009, is repealed.

1 Sec. \_\_\_\_\_. APPOINTMENTS TO OPEN MEETINGS, PUBLIC  
2 RECORDS, AND PRIVACY ADVISORY COMMITTEE. The  
3 recommending entities for appointments to the open  
4 meetings, public records, and privacy advisory  
5 committee established in section 23.1, as enacted  
6 by this division of this Act, shall consult with one  
7 another prior to submitting final recommendations to  
8 the governor to avoid violations of sections 69.16 and  
9 69.16A.>>

By LENSING of Johnson

KOESTER of Polk

MASCHER of Johnson

STRUYK of Pottawattamie

PETTENGILL of Benton

HOUSE FILE 2534

H-8657

1 Amend House File 2534 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <DIVISION I

5 REBUILD IOWA INFRASTRUCTURE FUND

6 Section 1. There is appropriated from the rebuild  
7 Iowa infrastructure fund to the following departments  
8 and agencies for the fiscal year beginning July 1,  
9 2010, and ending June 30, 2011, the following amounts,  
10 or so much thereof as is necessary, to be used for the  
11 purposes designated:

12 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

13 a. For distribution to other governmental entities  
14 for the payment of services related to the integrated  
15 information for Iowa system, notwithstanding section  
16 8.57, subsection 6, paragraph "c":  
17 ..... \$ 3,700,000

18 Moneys appropriated in this lettered paragraph shall  
19 be separately accounted for in a distribution account  
20 and shall be distributed to other governmental entities  
21 based upon a formula established by the department  
22 to pay for services associated with the integrated  
23 information for Iowa system provided during the fiscal  
24 year by the department.

25 During the fiscal year, the department may use up  
26 to \$1,000,000 of unexpended or unobligated funds in  
27 the information technology operations fund established  
28 under the provisions of section 8A.123 to provide  
29 funding for costs associated with the integrated  
30 information for Iowa system. By October 31, 2011, the  
31 department shall report to the department of management  
32 and the legislative services agency regarding any  
33 moneys that are used for this purpose.

34 b. For costs associated with Mercy capitol hospital  
35 building operations, notwithstanding section 8.57,  
36 subsection 6, paragraph "c":  
37 ..... \$ 1,083,175

38 c. For the state's share of support in conjunction  
39 with the city of Des Moines and local area businesses  
40 to provide a free shuttle service to the citizens  
41 of Iowa that includes transportation between the  
42 capitol complex and the downtown Des Moines area,  
43 notwithstanding section 8.57, subsection 6, paragraph  
44 "c":  
45 ..... \$ 200,000

46 Details for the shuttle service, including the  
47 route to be served, shall be determined pursuant to an  
48 agreement to be entered into by the department with the  
49 Des Moines area regional transit authority (DART) and  
50 any other participating entities.

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1 Of the amount appropriated in this lettered  
2 paragraph, up to \$50,000 shall be used to encourage  
3 state employees to utilize transit services provided by  
4 the Des Moines area regional transit authority.  
5 2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
6 For the administration of the watershed improvement  
7 review board established in section 466A.3,  
8 notwithstanding section 8.57, subsection 6, paragraph  
9 "c":  
10 ..... \$ 50,000  
11 3. DEPARTMENT FOR THE BLIND  
12 For costs associated with universal access to audio  
13 information over the phone on demand for blind and  
14 print handicapped Iowans, notwithstanding section 8.57,  
15 subsection 6, paragraph "c":  
16 ..... \$ 20,000  
17 4. DEPARTMENT OF CULTURAL AFFAIRS  
18 a. For continuation of the project recommended  
19 by the Iowa battle flag advisory committee to  
20 stabilize the condition of the battle flag collection,  
21 notwithstanding section 8.57, subsection 6, paragraph  
22 "c":  
23 ..... \$ 60,000  
24 b. For purposes of maintenance and repairs of  
25 historic sites:  
26 ..... \$ 40,000  
27 5. DEPARTMENT OF ECONOMIC DEVELOPMENT  
28 a. For deposit in the workforce training and  
29 economic development funds for each community college  
30 in section 260C.18A, notwithstanding section 8.57,  
31 subsection 6, paragraph "c":  
32 ..... \$ 2,000,000  
33 b. To the 6th avenue corridor for improvements to  
34 the streetscape associated with the national mainstreet  
35 conference and for additional architectural and  
36 engineering design plans for economic development and  
37 community revitalization, notwithstanding section 8.57,  
38 subsection 6, paragraph "c":  
39 ..... \$ 100,000  
40 c. To develop site plans for the southeast Iowa  
41 regional economic and port authority including  
42 plans for infrastructure for economic development,  
43 notwithstanding section 8.57, subsection 6, paragraph  
44 "c":  
45 ..... \$ 50,000  
46 d. For equal distribution to regional sports  
47 authority districts certified by the department  
48 pursuant to section 15E.321, notwithstanding section  
49 8.57, subsection 6, paragraph "c":  
50 ..... \$ 500,000

1 e. For administration and support of the world  
2 food prize including the Borlaug/Ruan scholar program,  
3 notwithstanding section 8.57, subsection 6, paragraph  
4 "c":  
5 ..... \$ 100,000

6 6. DEPARTMENT OF EDUCATION

7 To provide resources for structural and  
8 technological improvements to local libraries and for  
9 the enrich Iowa program, notwithstanding section 8.57,  
10 subsection 6, paragraph "c":  
11 ..... \$ 500,000

12 Of the moneys appropriated in this subsection,  
13 \$50,000 shall be allocated equally to each library  
14 service area.

15 7. DEPARTMENT OF NATURAL RESOURCES

16 a. For floodplain management and dam safety,  
17 notwithstanding section 8.57, subsection 6,  
18 paragraph "c":  
19 ..... \$ 2,000,000

20 Of the amounts appropriated in this lettered  
21 paragraph, up to \$400,000 is authorized for stream  
22 gages to be used for tracking and predicting flood  
23 events and for compiling necessary data relating to  
24 flood frequency analysis.

25 b. For costs associated with the construction of a  
26 permanent structure for handicapped persons and senior  
27 citizens in a county with a population between 37,150  
28 and 37,250:  
29 ..... \$ 40,000

30 c. For costs associated with the hiring and  
31 employment of an asset manager at Honey creek resort  
32 state park, notwithstanding section 8.57, subsection  
33 6, paragraph "c":  
34 ..... \$ 100,000

35 The department shall issue a request for proposals  
36 to competitively procure the services of an asset  
37 manager which shall be selected by the natural resource  
38 commission. The asset manager shall have hospitality  
39 management experience of at least five years including  
40 at least three years asset management experience in a  
41 setting similar in size and quality to the Honey creek  
42 resort state park with a similar type of market. The  
43 duties and job responsibilities of the asset manager  
44 shall include but are not limited to reviewing and  
45 commenting on the resort's sales and marketing plan,  
46 providing for the operation of the resort in a manner  
47 consistent with the requirements and limitations set  
48 forth in the resort's operating agreement, monitoring  
49 and supervising the resort including site visits,  
50 and negotiating and recommending an annual operating



1 budget and budget plan. The asset manager shall  
2 report to bond counsel, the governor, the Honey creek  
3 authority, the department of natural resources, and the  
4 legislative services agency.

5 8. DEPARTMENT OF PUBLIC DEFENSE

6 a. For major maintenance projects at national guard  
7 armories and facilities:

8 ..... \$ 1,500,000

9 b. For renovation and facility improvements at the  
10 Iowa Falls readiness center:

11 ..... \$ 500,000

12 c. For renovation and facility improvements at the  
13 Cedar Rapids armed forces readiness center:

14 ..... \$ 200,000

15 d. For renovation and facility improvements at the  
16 Middletown readiness center:

17 ..... \$ 100,000

18 9. DEPARTMENT OF PUBLIC HEALTH

19 For a grant to an existing national affiliated  
20 volunteer eye organization that has an established  
21 program for children and adults and that is solely  
22 dedicated to preserving sight and preventing blindness  
23 through education, nationally certified vision  
24 screening and training, community and patient service  
25 programs, notwithstanding section 8.57, subsection 6,  
26 paragraph "c":

27 ..... \$ 100,000

28 10. IOWA FINANCE AUTHORITY

29 For transfer to the Polk county housing trust  
30 fund for the construction of facilities to meet the  
31 specialized needs of adult persons with severe and  
32 profound disabilities who have high medical needs:

33 ..... \$ 250,000

34 11. STATE BOARD OF REGENTS

35 a. For allocation by the state board of regents to  
36 the state university of Iowa, the Iowa state university  
37 of science and technology, and the university of  
38 northern Iowa to reimburse the institutions for  
39 deficiencies in the operating funds resulting from  
40 the pledging of tuition, student fees and charges,  
41 and institutional income to finance the cost of  
42 providing academic and administrative buildings and  
43 facilities and utility services at the institutions,  
44 notwithstanding section 8.57, subsection 6, paragraph  
45 "c":

46 ..... \$ 24,305,412

47 b. For the Iowa flood center at the state  
48 university of Iowa for use by the university's  
49 college of engineering, pursuant to section 466C.1,  
50 notwithstanding section 8.57, subsection 6, paragraph

1 "c":  
2 ..... \$ 1,300,000  
3 c. To Iowa state university of science and  
4 technology to purchase veterinary surgical and other  
5 equipment to modernize the animal care facilities at  
6 the blank park zoo as part of a cooperative effort of  
7 blank park zoo and the college of veterinary medicine,  
8 notwithstanding section 8.57, subsection 6, paragraph  
9 "c":  
10 ..... \$ 400,000  
11 12. TREASURER OF STATE  
12 For county fair infrastructure improvements  
13 for distribution in accordance with chapter 174 to  
14 qualified fairs which belong to the association of Iowa  
15 fairs:  
16 ..... \$ 1,060,000  
17 13. DEPARTMENT OF TRANSPORTATION  
18 For infrastructure improvements at general aviation  
19 airports within the state:  
20 ..... \$ 750,000  
21 14. DEPARTMENT OF VETERANS AFFAIRS  
22 For transfer to the Iowa finance authority for the  
23 continuation of the home ownership assistance program  
24 for persons who are or were eligible members of the  
25 armed forces of the United States, pursuant to section  
26 16.54, notwithstanding section 8.57, subsection 6,  
27 paragraph "c":  
28 ..... \$ 1,000,000  
29 Sec. 2. There is appropriated from the rebuild Iowa  
30 infrastructure fund to the following departments and  
31 agencies for the following fiscal years, the following  
32 amounts, or so much thereof as is necessary, to be used  
33 for the purposes designated:  
34 1. DEPARTMENT OF CORRECTIONS  
35 For project management costs at Fort Madison and  
36 Mitchellville prisons, associated with construction  
37 projects at the department, notwithstanding section  
38 8.57, subsection 6, paragraph "c":  
39 FY 2011-2012..... \$ 4,500,000  
40 FY 2012-2013..... \$ 1,000,000  
41 FY 2013-2014..... \$ 200,000  
42 2. DEPARTMENT OF NATURAL RESOURCES  
43 For state park infrastructure improvements:  
44 FY 2011-2012..... \$ 5,000,000  
45 FY 2012-2013..... \$ 5,000,000  
46 FY 2013-2014..... \$ 5,000,000  
47 FY 2014-2015..... \$ 5,000,000  
48 3. DEPARTMENT OF TRANSPORTATION  
49 For deposit into the passenger rail service  
50 revolving fund created in section 327J.2 for matching

1 federal funding available through the federal Passenger  
2 Rail Investment and Improvement Act of 2008 for  
3 passenger rail service, notwithstanding section 8.57,  
4 subsection 6, paragraph "c":  
5 FY 2011-2012..... \$ 6,500,000

6 It is the intent of the general assembly to fund  
7 up to \$20 million over a four-year period to fully  
8 fund the state commitment for matching federal funding  
9 available through the federal Passenger Rail Investment  
10 and Improvement Act of 2008.

11 Sec. 3. REVERSION. For purposes of section 8.33,  
12 unless specifically provided otherwise, unencumbered  
13 or unobligated moneys made from an appropriation in  
14 this division of this Act shall not revert but shall  
15 remain available for expenditure for the purposes  
16 designated until the close of the fiscal year that ends  
17 three years after the end of the fiscal year for which  
18 the appropriation was made. However, if the project  
19 or projects for which such appropriation was made are  
20 completed in an earlier fiscal year, unencumbered or  
21 unobligated moneys shall revert at the close of that  
22 same fiscal year.

23 DIVISION II

24 TECHNOLOGY REINVESTMENT FUND

25 Sec. 4. There is appropriated from the technology  
26 reinvestment fund created in section 8.57C to the  
27 following departments and agencies for the fiscal year  
28 beginning July 1, 2010, and ending June 30, 2011, the  
29 following amounts, or so much thereof as is necessary,  
30 to be used for the purposes designated:

31 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

32 For technology improvement projects:  
33 ..... \$ 3,793,654

34 2. DEPARTMENT OF CORRECTIONS

35 For costs associated with the Iowa corrections  
36 offender network data system:  
37 ..... \$ 500,000

38 3. DEPARTMENT OF EDUCATION

39 a. For maintenance and lease costs associated with  
40 connections for Part III of the Iowa communications  
41 network:  
42 ..... \$ 2,727,000

43 b. For the implementation of an educational data  
44 warehouse that will be utilized by teachers, parents,  
45 school district administrators, area education agency  
46 staff, department of education staff, and policymakers:  
47 ..... \$ 600,000

48 The department may use a portion of the moneys  
49 appropriated in this lettered paragraph for an  
50 e-transcript data system capable of tracking students

1 throughout their education via interconnectivity with  
2 multiple schools.

3 4. DEPARTMENT OF PUBLIC HEALTH

4 For deposit in the county mental health, mental  
5 retardation, and developmental disabilities services  
6 fund created by section 331.424A in a county with a  
7 population over 350,000 for a community mental health  
8 center created under chapter 230A which serves only  
9 adults:

10 ..... \$ 250,000

11 5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY  
12 COMMISSION

13 For replacement of equipment for the Iowa  
14 communications network:

15 ..... \$ 2,244,956

16 The commission may continue to enter into contracts  
17 pursuant to section 8D.13 for the replacement of  
18 equipment and for operations and maintenance costs of  
19 the network.

20 In addition to moneys appropriated in this  
21 subsection, the commission may use a financing  
22 agreement entered into by the treasurer of state in  
23 accordance with section 12.28 for the replacement  
24 of equipment for the network. For purposes of this  
25 subsection, the treasurer of state is not subject to  
26 the maximum principal limitation contained in section  
27 12.28, subsection 6. Repayment of any amounts financed  
28 shall be made from receipts associated with fees  
29 charged for use of the network.

30 Sec. 5. REVERSION. For purposes of section 8.33,  
31 unless specifically provided otherwise, unencumbered  
32 or unobligated moneys made from an appropriation in  
33 this division of this Act shall not revert but shall  
34 remain available for expenditure for the purposes  
35 designated until the close of the fiscal year that ends  
36 three years after the end of the fiscal year for which  
37 the appropriation was made. However, if the project  
38 or projects for which such appropriation was made are  
39 completed in an earlier fiscal year, unencumbered or  
40 unobligated moneys shall revert at the close of that  
41 same fiscal year.

42 DIVISION III

43 REVENUE BONDS CAPITALS FUND -- APPROPRIATIONS

44 Sec. 6. There is appropriated from the revenue  
45 bonds capitals fund created in section 12.88, to the  
46 following departments and agencies for the fiscal year  
47 beginning July 1, 2010, and ending June 30, 2011, the  
48 following amounts, or so much thereof as is necessary,  
49 to be used for the purposes designated:

50 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

1 For projects related to major repairs and major  
2 maintenance for state buildings and facilities:  
3 ..... \$ 3,000,000

4 Moneys appropriated in this subsection shall not  
5 be used for purposes of the renovation of the Mercy  
6 capitol hospital building.

7 2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

8 a. To the soil conservation division of the  
9 department established in section 161A.4 to provide  
10 financial assistance for the establishment of permanent  
11 soil and water conservation practices:  
12 ..... \$ 1,000,000

13 b. Not more than 5 percent of the moneys  
14 appropriated in paragraph "a" may be allocated for  
15 cost sharing to abate complaints filed under section  
16 161A.47.

17 c. Of the moneys appropriated in paragraph "a",  
18 5 percent shall be allocated for financial incentives  
19 to establish practices to protect watersheds above  
20 publicly owned lakes of the state from soil erosion and  
21 sediment as provided in section 161A.73.

22 d. Not more than 30 percent of a soil and water  
23 conservation district's allocation of moneys as  
24 financial incentives may be provided for the purpose  
25 of establishing management practices to control soil  
26 erosion on land that is row cropped, including but  
27 not limited to no-till planting, ridge-till planting,  
28 contouring, and contour strip-cropping as provided in  
29 section 161A.73.

30 e. The state soil conservation committee created  
31 in section 161A.4 may allocate moneys appropriated in  
32 paragraph "a" to conduct research and demonstration  
33 projects to promote conservation tillage and nonpoint  
34 source pollution control practices.

35 f. The allocation of moneys as financial incentives  
36 as provided in section 161A.73 may be used in  
37 combination with moneys allocated by the department of  
38 natural resources.

39 g. Moneys appropriated in this subsection shall not  
40 be used for administrative or planning purposes.

41 3. DEPARTMENT OF CULTURAL AFFAIRS

42 For grants for Iowa great places program projects:  
43 ..... \$ 2,000,000

44 4. DEPARTMENT OF CORRECTIONS

45 a. For one-time costs associated with the opening  
46 of community-based corrections facilities including the  
47 purchase of equipment:  
48 ..... \$ 1,519,048

49 b. For use by a city with a population between  
50 198,000 and 199,000 for a safety barrier to be

1 constructed in the natural environment between the  
2 fifth judicial district facility and the blank park  
3 zoo:

4 ..... \$ 1,000,000

5 c. For project management costs at Fort Madison  
6 and Mitchellville prisons associated with construction  
7 projects at the department:

8 ..... \$ 2,200,000

9 5. DEPARTMENT OF ECONOMIC DEVELOPMENT

10 To the Des Moines area regional transit authority  
11 (DART) for construction of a regional transit hub for  
12 economic development purposes and for providing public  
13 transportation in a city with a population between  
14 198,000 and 199,000 in the last preceding certified  
15 federal census:

16 ..... \$ 4,000,000

17 6. DEPARTMENT OF NATURAL RESOURCES

18 For implementation of lake projects that have  
19 established watershed improvement initiatives and  
20 community support in accordance with the department's  
21 annual lake restoration plan and report:

22 ..... \$ 7,000,000

23 Of the amount appropriated in this subsection,  
24 \$250,000 shall be allocated for dredging,  
25 reconstruction, and related improvements of twin  
26 ponds adjacent to a nature center in a county with a  
27 population between 13,050, and 13,100.

28 Of the amount appropriated in this subsection,  
29 \$2,000,000 shall be allocated for costs associated with  
30 dam construction; shoreline protection; boat ramp,  
31 parking, and road construction; and an in-lake fishing  
32 habitat development project for a new state recreation  
33 area on a lake located in a county with a population  
34 between 155,000 and 160,000.

35 Of the amount appropriated in this subsection,  
36 \$100,000 shall be allocated for lake dredging and  
37 related improvements including ongoing dam maintenance  
38 and operation on a lake with public access that has  
39 the support of a benefited lake district located in a  
40 county with a population between 18,350 and 18,450 in  
41 the last preceding federal census.

42 7. STATE BOARD OF REGENTS

43 For phase II of the construction and renovation  
44 of the veterinary medical facilities at Iowa state  
45 university of science and technology, specifically  
46 the renovation and modernization of the area formerly  
47 occupied by the large animal area of the teaching  
48 hospital for expanded clinical services:

49 ..... \$ 13,000,000

50 8. IOWA STATE FAIR



1 For infrastructure improvements to the Iowa  
2 state fairgrounds including but not limited to the  
3 construction of an agricultural exhibition center on  
4 the Iowa state fairgrounds:  
5 ..... \$ 2,500,000

6 9. IOWA FINANCE AUTHORITY

7 For grants for purposes of the housing trust fund  
8 created in section 16.181:

9 ..... \$ 2,000,000

10 Sec. 7. TAX-EXEMPT STATUS -- USE OF APPROPRIATIONS.

11 1. Payment of moneys from the appropriations in  
12 this division of this Act shall be made in a manner  
13 that does not adversely affect the tax-exempt status of  
14 any outstanding bonds issued by the treasurer of state.

15 2. Payment of moneys from the appropriations  
16 in this division of this Act shall not be used for  
17 administrative or planning purposes.

18 Sec. 8. REVERSION. For purposes of section 8.33,  
19 unless specifically provided otherwise, unencumbered  
20 or unobligated moneys made from an appropriation in  
21 this division of this Act shall not revert but shall  
22 remain available for expenditure for the purposes  
23 designated until the close of the fiscal year that ends  
24 three years after the end of the fiscal year for which  
25 the appropriation was made. However, if the project  
26 or projects for which such appropriation was made are  
27 completed in an earlier fiscal year, unencumbered or  
28 unobligated moneys shall revert at the close of that  
29 same fiscal year.

30 DIVISION IV

31 REVENUE BONDS CAPITALS II FUND -- APPROPRIATIONS

32 Sec. 9. NEW SECTION. 12.88A Revenue bonds capitals  
33 II fund.

34 1. A revenue bonds capitals II fund is created and  
35 established as a separate and distinct fund in the  
36 state treasury. The treasurer of state shall act as  
37 custodian of the fund and disburse moneys contained in  
38 the fund.

39 2. Revenue for the revenue bonds capitals II fund  
40 shall include but is not limited to the following,  
41 which shall be deposited with the treasurer of state or  
42 the treasurer of state's designee as provided by any  
43 bond or security documents and credited to the fund:  
44 a. The net proceeds of bonds issued after July 1,  
45 2010, pursuant to section 12.87 other than bonds issued  
46 for the purpose of refunding such bonds, and investment  
47 earnings on the net proceeds.

48 b. Interest attributable to investment of moneys in  
49 the fund or an account of the fund.

50 c. Moneys in the form of a devise, gift, bequest,

1 donation, federal or other grant, reimbursement,  
2 repayment, judgment, transfer, payment, or  
3 appropriation from any source intended to be used for  
4 the purposes of the fund.

5 3. Moneys in the revenue bonds capitals II fund are  
6 not subject to section 8.33. Notwithstanding section  
7 12C.7, subsection 2, interest or earnings on moneys in  
8 the fund shall be credited to the fund.

9 4. Annually, on or before January 15 of each year,  
10 a state agency that received an appropriation from  
11 the revenue bonds capitals II fund shall report to  
12 the legislative services agency and the department of  
13 management the status of all projects completed or in  
14 progress. The report shall include a description of  
15 the project, the work completed, the total estimated  
16 cost of the project, a list of all revenue sources  
17 being used to fund the project, the amount of funds  
18 expended, the amount of funds obligated, and the date  
19 the project was completed or an estimated completion  
20 date of the project, where applicable.

21 Sec. 10. There is appropriated from the revenue  
22 bonds capitals II fund created in section 12.88A to the  
23 following departments and agencies for the fiscal year  
24 beginning July 1, 2010, and ending June 30, 2011, the  
25 following amounts, or so much thereof as is necessary,  
26 to be used for the purposes designated:

27 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

28 a. To the soil conservation division of the  
29 department established in section 161A.4 to provide  
30 financial assistance for the establishment of permanent  
31 soil and water conservation practices:

32 ..... \$ 5,950,000

33 (1) Not more than 5 percent of the moneys  
34 appropriated in this paragraph "a" may be allocated for  
35 cost sharing to abate complaints filed under section  
36 161A.47.

37 (2) Of the moneys appropriated in this paragraph  
38 "a", 5 percent shall be allocated for financial  
39 incentives to establish practices to protect watersheds  
40 above publicly owned lakes of the state from soil  
41 erosion and sediment as provided in section 161A.73.

42 (3) Not more than 30 percent of a soil and water  
43 conservation district's allocation of moneys as  
44 financial incentives may be provided for the purpose  
45 of establishing management practices to control soil  
46 erosion on land that is row cropped, including but  
47 not limited to no-till planting, ridge-till planting,  
48 contouring, and contour strip-cropping as provided in  
49 section 161A.73.

50 (4) The state soil conservation committee created

1 in section 161A.4 may allocate moneys appropriated in  
2 paragraph "a" to conduct research and demonstration  
3 projects to promote conservation tillage and nonpoint  
4 source pollution control practices.

5 (5) The allocation of moneys as financial  
6 incentives as provided in section 161A.73 may be used  
7 in combination with moneys allocated by the department  
8 of natural resources.

9 (6) Moneys appropriated in this paragraph "a" shall  
10 not be used for administrative or planning purposes.

11 b. For grants under the conservation reserve  
12 enhancement program to improve water quality and  
13 intercept nitrates:

14 ..... \$ 2,500,000

15 2. DEPARTMENT OF ECONOMIC DEVELOPMENT

16 a. For deposit into the community attraction and  
17 tourism fund created in section 15F.204:

18 ..... \$ 12,000,000

19 b. For deposit into the river enhancement community  
20 attraction and tourism fund created in section 15F.205:

21 ..... \$ 4,000,000

22 Moneys appropriated for grants awarded in paragraphs  
23 "a" and "b" shall be used to assist communities in  
24 the development and creation of multiple purpose  
25 attractions or community service facilities for public  
26 use.

27 c. For accelerated career education program capital  
28 projects at community colleges that are authorized  
29 under chapter 260G and that meet the definition of  
30 vertical infrastructure in section 8.57, subsection 6,  
31 paragraph "c":  
32 ..... \$ 5,500,000

33 d. For the main street Iowa program to be used as  
34 grants for projects that have previously applied for  
35 funding consideration, or have received partial funding  
36 for facade master plans to rehabilitate storefronts in  
37 main street Iowa districts, to complete streetscape  
38 projects where planning and the majority of funding is  
39 already secured, for unfunded main street challenge  
40 grant projects, and for other building rehabilitation  
41 projects that are currently on the department's highest  
42 priority list:  
43 ..... \$ 8,450,000

44 Moneys appropriated in this lettered paragraph shall  
45 not be used for administration or planning purposes.

46 Of the amount appropriated in this lettered  
47 paragraph, \$300,000 shall be allocated to a city with  
48 a population between 25,100 and 25,200 in the last  
49 preceding certified federal census for a redevelopment  
50 project that includes improvements and modifications to

1 streets and storm sewers in both the downtown and mall  
2 areas of the city.

3 e. To north Iowa area community college (merged  
4 area II) for the construction of a small business  
5 center for economic development:

6 ..... \$ 1,500,000

7 f. To kirkwood community college (merged area X)  
8 for the construction of a small business center for  
9 economic development:

10 ..... \$ 1,200,000

11 3. DEPARTMENT OF EDUCATION

12 For major renovation and major repair needs,  
13 including health, life, and fire safety needs and for  
14 compliance with the federal Americans with Disabilities  
15 Act, for state buildings and facilities under the  
16 purview of the community colleges:

17 ..... \$ 2,000,000

18 4. IOWA FINANCE AUTHORITY

19 a. To the Iowa jobs board created in section 16.191  
20 for disaster relief and mitigation renovation and  
21 construction projects:

22 ..... \$ 30,900,000

23 The moneys appropriated in this paragraph "a" shall  
24 be allocated as follows:

25 (1) To a county with a population between 189,000  
26 and 196,000 in the last preceding certified federal  
27 census for the renovation and expansion of an  
28 administrative office building:

29 ..... \$ 4,400,000

30 (2) To a city with a population between 120,500 and  
31 120,800 in the last preceding certified federal census,  
32 for the following projects:

33 (a) For renovation of an existing public building  
34 to make the building useful for city department  
35 offices:

36 ..... \$ 4,400,000

37 (b) For flood mitigation or renovation in and  
38 around an existing courthouse:

39 ..... \$ 2,000,000

40 (3) To a city with a population between 198,000 and  
41 199,000 in the last preceding certified federal census  
42 to be allocated as follows:

43 (a) For site acquisition, design, engineering, and  
44 construction of a fire training and logistics center:

45 ..... \$ 3,000,000

46 (b) For land acquisition, design, and construction  
47 of sewers, structures, and pumping facilities necessary  
48 to separate and convey sewer flow within the riverpoint  
49 service area:

50 ..... \$ 1,250,000

1 (c) For land acquisition, design, and construction  
2 of sewers, structures, and pumping facilities necessary  
3 to separate or convey sewer flow within the Court  
4 avenue service area:  
5 ..... \$ 3,050,000  
6 (d) For bank stabilization, stream bed  
7 stabilization, and erosion control on highly  
8 erodible ground that is impacting utilities, road  
9 infrastructure, and water quality:  
10 ..... \$ 700,000  
11 (e) To improve utilization of two of the wastewater  
12 reclamation authority's existing equalization basins  
13 for the control of peak flows during wet weather events  
14 in the authority's sewer system:  
15 ..... \$ 500,000  
16 (4) For a publicly owned acute care teaching  
17 hospital located in a county with a population of over  
18 350,000, for the construction and renovation of patient  
19 access and care facilities, equipment replacement and  
20 upgrades, and other infrastructure improvements:  
21 ..... \$ 1,000,000  
22 (5) For a city with a population between 98,300 and  
23 98,400 in the last preceding certified federal census,  
24 for flood protection, replacement, and construction  
25 improvements to a recreational sports facility:  
26 ..... \$ 1,050,000  
27 (6) For a city with a population between 68,700 and  
28 68,800 in the last preceding certified federal census,  
29 for a public works building that will allow the city to  
30 provide for disaster-related services:  
31 ..... \$ 5,000,000  
32 (7) For a city with a population between 62,100 and  
33 62,250 in the last preceding certified federal census,  
34 for the demolition, relocation, and reconstruction of a  
35 public wastewater treatment plant and the development  
36 of a public green space:  
37 ..... \$ 2,000,000  
38 (8) For a city with a population between 2,545  
39 and 2,555 in the last preceding certified federal  
40 census, for a streetscape project that reconstructs  
41 existing horizontal infrastructure and lighting systems  
42 utilizing sustainable development practices:  
43 ..... \$ 1,175,000  
44 (9) For a city with a population between 2,200 and  
45 2,220 in the last preceding certified federal census,  
46 for construction of a public city building:  
47 ..... \$ 475,000  
48 (10) For a city with a population between 2,558 and  
49 2,565 in the last preceding certified federal census,  
50 for the installation of backflow prevention devices for

1 the city's storm sewer system:  
2 ..... \$ 600,000  
3 (11) For a city with a population between 6,875 and  
4 6,890 in the last preceding certified federal census,  
5 for the construction of grade control structures and  
6 associated grading to mitigate future water damage to  
7 residential structures:

8 ..... \$ 300,000

9 b. To the Iowa jobs board for a disaster prevention  
10 program created in section 16.194A for grants  
11 for cities and counties that apply smart planning  
12 principles and guidelines pursuant to sections 18B.1  
13 and 18B.2, as enacted in this Act:

14 ..... \$ 30,000,000

15 5. DEPARTMENT OF NATURAL RESOURCES

16 a. For state park infrastructure improvements:

17 ..... \$ 5,000,000

18 Of the amount appropriated in this lettered  
19 paragraph, \$100,000 shall be allocated for the  
20 renovation of a clubhouse on a lake in a county with  
21 a population between 20,200 and 20,250 in the last  
22 preceding certified federal census.

23 b. For implementation of lake projects that have  
24 established watershed improvement initiatives and  
25 community support in accordance with the department's  
26 annual lake restoration plan and report:

27 ..... \$ 3,000,000

28 6. STATE BOARD OF REGENTS

29 a. For costs associated with the construction and  
30 establishment of the Iowa institute for biomedical  
31 discovery at the state university of Iowa:

32 ..... \$ 10,000,000

33 b. For deposit into the alternate energy revolving  
34 loan fund created in section 476.46 to encourage the  
35 development of alternate energy production facilities  
36 and small hydro facilities, as defined in section  
37 476.42, within the state:

38 ..... \$ 5,000,000

39 Any award of loans to private individuals or  
40 organizations must be for the public purpose of  
41 encouraging the development of alternate energy  
42 production facilities and small hydro facilities  
43 within the state in order to conserve finite and  
44 expensive energy resources and to provide for their  
45 most efficient use. Funds from bond proceeds shall not  
46 be used for administration or planning purposes. These  
47 moneys, and any loan repayments, shall be maintained  
48 in separate accounts and shall only be used for these  
49 public purposes.

50 7. DEPARTMENT OF TRANSPORTATION



1 a. For grants for rail projects including wind  
2 energy rail port projects that provide assistance  
3 consistent with the purposes of section 327H.20A:  
4 ..... \$ 7,500,000

5 Grants awarded pursuant to this lettered paragraph  
6 shall meet all of the following selection criteria:

7 (1) Be located in or adjacent to a rail industrial  
8 park.

9 (2) Be a facility that serves multiple industrial  
10 clients with one rail infrastructure investment.

11 (3) Accommodate building and loading a complete  
12 unit train in the rail port.

13 (4) Have connection tracks with adequate clearances  
14 to transport large components.

15 (5) Be located in an area with short unimpeded  
16 access for oversized wind components to a divided  
17 four-lane highway.

18 A grant awarded for a project under this lettered  
19 paragraph "a" shall not exceed more than forty percent  
20 of the appropriation in this lettered paragraph.

21 Priority in the awarding of grants shall be given to  
22 communities that have experienced exceptional economic  
23 setbacks. An additional preference shall be given to  
24 a county that has lost nine percent of its workforce to  
25 a permanent factory closing where the laid off workers  
26 are trade adjustment assistance eligible.

27 b. For the public transit infrastructure grant  
28 program in section 324A.6A:

29 ..... \$ 2,000,000

30 c. For infrastructure improvements at the  
31 commercial air service airports within the state:

32 ..... \$ 1,500,000

33 Fifty percent of the funds appropriated in this  
34 lettered paragraph shall be allocated equally between  
35 each commercial air service airport, forty percent of  
36 the funds shall be allocated based on the percentage  
37 that the number of enplaned passengers at each  
38 commercial air service airport bears to the total  
39 number of enplaned passengers in the state during the  
40 previous fiscal year, and ten percent of the funds  
41 shall be allocated based on the percentage that the  
42 air cargo tonnage at each commercial air service  
43 airport bears to the total air cargo tonnage in the  
44 state during the previous fiscal year. In order for  
45 a commercial air service airport to receive funding  
46 under this lettered paragraph, the airport shall be  
47 required to submit applications for funding of specific  
48 projects to the department for approval by the state  
49 transportation commission.

50 d. For infrastructure projects relating to

1 functionally obsolete and structurally deficient  
2 bridges:  
3 ..... \$ 10,000,000

4 8. TREASURER OF STATE

5 For transfer to the watershed improvement review  
6 board created in section 466A.3 for grants associated  
7 with the construction and restoration of wetland  
8 easements and flood prevention projects:  
9 ..... \$ 2,000,000

10 Notwithstanding section 466A.5, moneys from the  
11 appropriation in this subsection shall not be used for  
12 administrative purposes.

13 Sec. 11. TAX-EXEMPT STATUS -- USE OF  
14 APPROPRIATIONS.

15 1. Payment of moneys from the appropriations in  
16 this division of this Act shall be made in a manner  
17 that does not adversely affect the tax-exempt status of  
18 any outstanding bonds issued by the treasurer of state.

19 2. Payment of moneys from the appropriations  
20 in this division of this Act shall not be used for  
21 administrative or planning purposes.

22 Sec. 12. REVERSION. For purposes of section 8.33,  
23 unless specifically provided otherwise, unencumbered  
24 or unobligated moneys made from an appropriation in  
25 this division of this Act shall not revert but shall  
26 remain available for expenditure for the purposes  
27 designated until the close of the fiscal year that ends  
28 three years after the end of the fiscal year for which  
29 the appropriation was made. However, if the project  
30 or projects for which such appropriation was made are  
31 completed in an earlier fiscal year, unencumbered or  
32 unobligated moneys shall revert at the close of that  
33 same fiscal year.

34 DIVISION V  
35 PRISON BONDING

36 Sec. 13. There is appropriated from the FY 2009  
37 prison bonding fund created pursuant to section 12.79  
38 to the department of corrections for the fiscal year  
39 beginning July 1, 2010, and ending June 30, 2011, the  
40 following amount, or so much thereof as is necessary,  
41 to be used for the purpose designated:

42 For costs associated with the building of a new Iowa  
43 State penitentiary at Fort Madison:  
44 ..... \$ 322,500

45 The appropriation made in this section constitutes  
46 approval by the general assembly for the issuance of  
47 bonds by the treasurer of state pursuant to section  
48 12.80.

49 Sec. 14. REVERSION. For purposes of section 8.33,  
50 unless specifically provided otherwise, unencumbered

1 or unobligated moneys made from an appropriation in  
 2 this division of this Act shall not revert but shall  
 3 remain available for expenditure for the purposes  
 4 designated until the close of the fiscal year that ends  
 5 three years after the end of the fiscal year for which  
 6 the appropriation was made. However, if the project  
 7 or projects for which such appropriation was made are  
 8 completed in an earlier fiscal year, unencumbered or  
 9 unobligated moneys shall revert at the close of that  
 10 same fiscal year.

#### 11 DIVISION VI

#### 12 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK 13 FUND --

#### 14 DEPARTMENT OF TRANSPORTATION

15 Sec. 15. There is appropriated from the Iowa  
 16 comprehensive petroleum underground storage tank fund  
 17 to the department of transportation for the fiscal year  
 18 beginning July 1, 2010, and ending June 30, 2011, the  
 19 following amount, or so much thereof as is necessary,  
 20 to be used for the purposes designated:

21 Notwithstanding section 455G.3, subsection 1, for  
 22 deposit in the passenger rail service revolving fund  
 23 created in section 327J.2:

24 ..... \$ 2,000,000

25 Such funds shall be coupled with the remaining  
 26 unobligated balance of up to one million five hundred  
 27 thousand dollars from the appropriation made in 2009  
 28 Iowa Acts, chapter 184, section 1, subsection 12,  
 29 paragraph "a", for a total commitment of three million  
 30 five hundred thousand dollars for the fiscal year  
 31 beginning July 1, 2010, and ending June 30, 2011,  
 32 for matching federal funding available through the  
 33 Passenger Rail Investment and Improvement Act of 2008.

#### 34 DIVISION VII

#### 35 SMART PLANNING

36 Sec. 16. NEW SECTION. 18B.1 Iowa smart planning  
 37 principles.

38 State agencies, local governments, and other public  
 39 entities shall consider and may apply the following  
 40 principles during deliberation of all appropriate  
 41 planning, zoning, development, and resource management  
 42 decisions, except that nothing in this section shall be  
 43 construed to expand the eminent domain authority of a  
 44 state agency, local government, or other public entity  
 45 beyond that which is authorized under chapter 6A or 6B:

46 1. Collaboration. Governmental, community, and  
 47 individual stakeholders, including those outside  
 48 the jurisdiction of the entity, are encouraged to be  
 49 involved and provide comment during deliberation of  
 50 planning, zoning, development, and resource management

1 decisions and during implementation of such decisions.  
2 The state agency, local government, or other public  
3 entity is encouraged to develop and implement a  
4 strategy to facilitate such participation.

5 2. Efficiency, transparency, and  
6 consistency. Planning, zoning, development, and  
7 resource management should be undertaken to provide  
8 efficient, transparent, and consistent outcomes.  
9 Individuals, communities, regions, and governmental  
10 entities should share in the responsibility to promote  
11 the equitable distribution of development benefits and  
12 costs.

13 3. Clean, renewable, and efficient  
14 energy. Planning, zoning, development, and resource  
15 management should be undertaken to promote clean and  
16 renewable energy use and increased energy efficiency.

17 4. Occupational diversity. Planning, zoning,  
18 development, and resource management should promote  
19 increased diversity of employment and business  
20 opportunities, promote access to education and  
21 training, expand entrepreneurial opportunities,  
22 and promote the establishment of businesses in  
23 locations near existing housing, infrastructure, and  
24 transportation.

25 5. Revitalization. Planning, zoning, development,  
26 and resource management should facilitate the  
27 revitalization of established town centers and  
28 neighborhoods by promoting development that conserves  
29 land, protects historic resources, promotes pedestrian  
30 accessibility, and integrates different uses of  
31 property. Remediation and reuse of existing sites,  
32 structures, and infrastructure is preferred over new  
33 construction in undeveloped areas.

34 6. Housing diversity. Planning, zoning,  
35 development, and resource management should encourage  
36 diversity in the types of available housing, support  
37 the rehabilitation of existing housing, and promote  
38 the location of housing near public transportation and  
39 employment centers.

40 7. Community character. Planning, zoning,  
41 development, and resource management should promote  
42 activities and development that are consistent with the  
43 character and architectural style of the community and  
44 should respond to local values regarding the physical  
45 character of the community.

46 8. Natural resources and agricultural protection.  
47 Planning, zoning, development, and resource management  
48 should emphasize protection, preservation, and  
49 restoration of natural resources, agricultural  
50 land, and cultural and historic landscapes, and

1 should increase the availability of open spaces and  
2 recreational facilities.

3 9. Sustainable design. Planning, zoning,  
4 development, and resource management should promote  
5 developments, buildings, and infrastructure that  
6 utilize sustainable design and construction standards  
7 and conserve natural resources by reducing waste and  
8 pollution through efficient use of land, energy, water,  
9 air, and materials.

10 10. Transportation diversity. Planning, zoning,  
11 development, and resource management should promote  
12 expanded transportation options for residents of  
13 the community. Consideration should be given to  
14 transportation options that maximize mobility, reduce  
15 congestion, conserve fuel, and improve air quality.

16 Sec. 17. NEW SECTION. 18B.2 Local comprehensive  
17 planning and development guidelines.

18 1. For the purposes of this chapter, unless the  
19 context otherwise requires:

20 a. (1) "Development" means any of the following:

21 (a) Construction, reconstruction, renovation,  
22 mining, extraction, dredging, filling, excavation, or  
23 drilling activity or operation.

24 (b) Man-made changes in the use or appearance of  
25 any structure or in the land itself.

26 (c) The division or subdivision of land.

27 (d) Any change in the intensity of use or the use  
28 of land.

29 (2) "Development" does not include any of the  
30 following:

31 (a) Activities on or uses of agricultural land,  
32 farm houses, or agricultural buildings or structures,  
33 unless such buildings or structures are located in the  
34 flood plain of a river or stream.

35 (b) Installation, operation, and maintenance of  
36 soil and water conservation practices.

37 (c) The choice of crops or a change in the choice  
38 of crops on agricultural land.

39 b. "Land development regulations" means zoning,  
40 subdivision, site plan, corridor map, floodplain or  
41 storm water ordinances, rules, or regulations, or other  
42 governmental controls that affect the use of property.

43 c. "Municipality" means a city or a county.

44 2. A municipality shall consider the smart planning  
45 principles under section 18B.1 and may include the  
46 following information, if applicable, when developing  
47 or amending a comprehensive plan under chapter 335 or  
48 chapter 414 or when developing or amending other local  
49 land development regulations:

50 a. Information relating to public participation

1 during the creation of the comprehensive plan or land  
2 development regulations, including documentation of  
3 the public participation process, a compilation of  
4 objectives, policies, and goals identified in the  
5 public comment received, and identification of the  
6 groups or individuals comprising any work groups or  
7 committees that were created to assist the planning and  
8 zoning commission or other appropriate decision-making  
9 body of the municipality.

10 b. Information relating to the primary  
11 characteristics of the municipality and a description  
12 of how each of those characteristics impacts future  
13 development of the municipality. Such information may  
14 include historical information about the municipality,  
15 the municipality's geography, natural resources,  
16 natural hazards, population, demographics, types of  
17 employers and industry, labor force, political and  
18 community institutions, housing, transportation,  
19 educational resources, and cultural and recreational  
20 resources. The comprehensive plan or land development  
21 regulations may also identify characteristics and  
22 community aesthetics that are important to future  
23 development of the municipality.

24 c. Objectives, information, and programs that  
25 identify current land uses within the municipality and  
26 that guide the future development and redevelopment  
27 of property, consistent with the municipality's  
28 characteristics identified under paragraph "b". The  
29 comprehensive plan or land development regulations may  
30 include information on the amount, type, intensity,  
31 and density of existing land use, trends in the market  
32 price of land used for specific purposes, and plans  
33 for future land use throughout the municipality. The  
34 comprehensive plan or land development regulations  
35 may identify and include information on property  
36 that has the possibility for redevelopment, a map of  
37 existing and potential land use and land use conflicts,  
38 information and maps relating to the current and  
39 future provision of utilities within the municipality,  
40 information and maps that identify the current  
41 and future boundaries for areas reserved for soil  
42 conservation, water supply conservation, flood control,  
43 and surface water drainage and removal. Information  
44 provided under this paragraph may also include an  
45 analysis of the current and potential impacts on local  
46 watersheds and air quality.

47 d. Objectives, policies, and programs to further  
48 the vitality and character of established residential  
49 neighborhoods and new residential neighborhoods and  
50 plans to ensure an adequate housing supply that meets



1 both the existing and forecasted housing demand. The  
2 comprehensive plan or land development regulations  
3 may include an inventory and analysis of the local  
4 housing stock and may include specific information  
5 such as age, condition, type, market value, occupancy,  
6 and historical characteristics of all the housing  
7 within the municipality. The comprehensive plan or  
8 land development regulations may identify specific  
9 policies and programs that promote the development  
10 of new housing and maintenance or rehabilitation of  
11 existing housing and that provide a range of housing  
12 choices that meet the needs of the residents of the  
13 municipality.

14 e. Objectives, policies, and programs to guide  
15 future development of sanitary sewer service,  
16 storm water management, water supply, solid waste  
17 disposal, wastewater treatment technologies, recycling  
18 facilities, and telecommunications facilities. The  
19 comprehensive plan or land development regulations may  
20 include estimates regarding future demand for such  
21 utility services.

22 f. Objectives, policies, and programs to guide the  
23 future development of a safe, convenient, efficient,  
24 and economical transportation system. Plans for  
25 such a transportation system may be coordinated  
26 with state and regional transportation plans and  
27 take into consideration the need for diverse modes  
28 of transportation, accessibility, improved air  
29 quality, and interconnectivity of the various modes of  
30 transportation.

31 g. Objectives, policies, and programs to promote  
32 the stabilization, retention, or expansion of economic  
33 development and employment opportunities. The  
34 comprehensive plan or land development regulations  
35 may include an analysis of current industries and  
36 economic activity and identify economic growth goals  
37 for the municipality. The comprehensive plan or land  
38 development regulations may also identify locations for  
39 future brownfield or grayfield development.

40 h. Objectives, policies, and programs addressing  
41 preservation and protection of agricultural and natural  
42 resources.

43 i. Objectives, policies, and programs to assist  
44 future development of educational facilities,  
45 cemeteries, health care facilities, child care  
46 facilities, law enforcement and fire protection  
47 facilities, libraries, and other governmental  
48 facilities that are necessary or desirable to meet the  
49 projected needs of the municipality.

50 j. Objectives, policies, and programs to



1 identify characteristics and qualities that make the  
2 municipality unique and that are important to the  
3 municipality's heritage and quality of life.

4 k. Objectives, policies, and programs that identify  
5 the natural and other hazards that have the greatest  
6 likelihood of impacting the municipality or that pose  
7 a risk of catastrophic damage as such hazards relate  
8 to land use and development decisions, as well as the  
9 steps necessary to mitigate risk after considering the  
10 local hazard mitigation plan approved by the federal  
11 emergency management agency.

12 l. Objectives, policies, and programs for joint  
13 planning and joint decision making with other  
14 municipalities or governmental entities, including  
15 school districts and drainage districts, for siting  
16 and constructing public facilities and sharing public  
17 services. The comprehensive plan or land development  
18 regulations may identify existing or potential  
19 conflicts between the municipality and other local  
20 governments related to future development of the  
21 municipality and may include recommendations for  
22 resolving such conflicts. The comprehensive plan  
23 or land development regulations may also identify  
24 opportunities to collaborate and partner with  
25 neighboring jurisdictions and other entities in the  
26 region for projects of mutual interest.

27 m. A compilation of programs and specific  
28 actions necessary to implement any provision of the  
29 comprehensive plan, including changes to any applicable  
30 land development regulations, official maps, or  
31 subdivision ordinances.

32 3. A municipality's comprehensive plan developed  
33 using the guidelines under this section shall address  
34 prevention and mitigation of, response to, and recovery  
35 from a catastrophic flood.

36 Sec. 18. Section 28I.4, Code 2009, is amended to  
37 read as follows:

38 28I.4 Powers and duties.

39 1. The commission shall have the power and duty  
40 to make comprehensive studies and plans for the  
41 development of the area it serves which will guide  
42 the unified development of the area and which will  
43 eliminate planning duplication and promote economy and  
44 efficiency in the ~~co-ordinated~~ coordinated development  
45 of the area and the general welfare, convenience,  
46 safety, and prosperity of its people. The plan or  
47 plans collectively shall be known as the regional  
48 or metropolitan development plan. The plans for  
49 the development of the area may include, but shall  
50 not be limited to, recommendations with respect to

1 existing and proposed highways, bridges, airports,  
2 streets, parks and recreational areas, schools and  
3 public institutions and public utilities, public  
4 open spaces, and sites for public buildings and  
5 structures; districts for residence, business,  
6 industry, recreation, agriculture, and forestry; water  
7 supply, sanitation, drainage, protection against floods  
8 and other disasters; areas for housing developments,  
9 slum clearance and urban renewal and redevelopment;  
10 location of private and public utilities, including  
11 but not limited to sewerage and water supply systems;  
12 and such other recommendations concerning current  
13 and impending problems as may affect the area served  
14 by the commission. Time and priority schedules  
15 and cost estimates for the accomplishment of the  
16 recommendations may also be included in the plans. The  
17 plans shall be made with consideration of the smart  
18 planning principles under section 18B.1. The plans  
19 shall be based upon and include appropriate studies  
20 of the location and extent of present and anticipated  
21 populations; social, physical, and economic resources,  
22 problems and trends; and governmental conditions and  
23 trends. The commission is also authorized to make  
24 surveys, land-use studies, and urban renewal plans,  
25 provide technical services and other planning work  
26 for the area it serves and for cities, counties, and  
27 other political subdivisions in the area. A plan or  
28 plans of the commission may be adopted, added to,  
29 and changed from time to time by a majority vote of  
30 the planning commission. The plan or plans may in  
31 whole or in part be adopted by the governing bodies of  
32 the ~~co-operating~~ cooperating cities and counties as  
33 the general plans of such cities and counties. The  
34 commission may also assist the governing bodies and  
35 other public authorities or agencies within the area it  
36 serves in carrying out any regional plan or plans, and  
37 assist any planning commission, board or agency of the  
38 cities and counties and political subdivisions in the  
39 preparation or effectuation of local plans and planning  
40 consistent with the program of the commission. The  
41 commission may ~~co-operate~~ cooperate and confer, as far  
42 as possible, with planning agencies of other states or  
43 of regional groups of states adjoining its area.  
44 2. A planning commission formed under the  
45 provisions of this chapter shall, upon designation as  
46 such by the governor, serve as a district, regional, or  
47 metropolitan agency for comprehensive planning for its  
48 area for the purpose of carrying out the functions as  
49 defined for such an agency by federal, state, and local  
50 laws and regulations.

1 Sec. 19. Section 329.3, Code 2009, is amended to  
2 read as follows:

3 329.3 Zoning regulations -- powers granted.

4 Every municipality having an airport hazard area  
5 within its territorial limits may adopt, administer,  
6 and enforce in the manner and upon the conditions  
7 prescribed by this chapter, zoning regulations for  
8 such airport hazard area, which regulations may divide  
9 such area into zones and, within such zones, specify  
10 the land uses permitted, and regulate and restrict,  
11 for the purpose of preventing airport hazards, the  
12 height to which structures and trees may be erected  
13 or permitted to grow. Regulations adopted under this  
14 chapter shall be made with consideration of the smart  
15 planning principles under section 18B.1.

16 Sec. 20. Section 335.5, Code 2009, is amended to  
17 read as follows:

18 335.5 Objectives.

19 1. The regulations shall be made in accordance  
20 with a comprehensive plan and designed to preserve  
21 the availability of agricultural land; to consider  
22 the protection of soil from wind and water erosion;  
23 to encourage efficient urban development patterns; to  
24 lessen congestion in the street or highway; to secure  
25 safety from fire, flood, panic, and other dangers; to  
26 protect health and the general welfare; to provide  
27 adequate light and air; to prevent the overcrowding  
28 of land; to avoid undue concentration of population;  
29 to promote the conservation of energy resources; to  
30 promote reasonable access to solar energy; and to  
31 facilitate the adequate provision of transportation,  
32 water, sewerage, schools, parks, and other public  
33 requirements. However, provisions of this section  
34 relating to the objectives of energy conservation  
35 and access to solar energy shall not be construed as  
36 voiding any zoning regulation existing on July 1, 1981,  
37 or to require zoning in a county that did not have  
38 zoning prior to July 1, 1981.

39 2. ~~Such~~ The regulations shall be made with  
40 reasonable consideration, among other things, as to the  
41 character of the area of the district and the peculiar  
42 suitability of such area for particular uses, and  
43 with a view to conserving the value of buildings and  
44 encouraging the most appropriate use of land throughout  
45 such county.

46 3. The regulations and comprehensive plan shall  
47 be made with consideration of the smart planning  
48 principles under section 18B.1 and may include the  
49 information specified in section 18B.2, subsection 2.

50 4. a. A comprehensive plan recommended for

1 adoption by the zoning commission established  
2 under section 335.8, may be adopted by the board of  
3 supervisors. The board of supervisors may amend a  
4 proposed comprehensive plan prior to adoption. The  
5 board of supervisors shall publish notice of the  
6 meeting at which the comprehensive plan will be  
7 considered for adoption. The notice shall be published  
8 as provided in section 331.305.

9 b. Following its adoption, copies of the  
10 comprehensive plan shall be sent or made available to  
11 neighboring counties, cities within the county, the  
12 council of governments or regional planning commission  
13 where the county is located, and public libraries  
14 within the county.

15 c. Following its adoption, a comprehensive plan may  
16 be amended by the board of supervisors at any time.

17 Sec. 21. Section 335.8, Code 2009, is amended to  
18 read as follows:

19 335.8 Commission appointed.

20 1. In order to avail itself of the powers conferred  
21 by this chapter, the board of supervisors shall  
22 appoint a commission, a majority of whose members shall  
23 reside within the county but outside the corporate  
24 limits of any city, to be known as the county zoning  
25 commission, to recommend the boundaries of the various  
26 original districts, and appropriate regulations and  
27 restrictions to be enforced therein. Such commission  
28 shall, with due diligence, prepare a preliminary report  
29 and hold public hearings thereon before submitting  
30 its final report; and the board of supervisors shall  
31 not hold its public hearings or take action until it  
32 has received the final report of such commission.  
33 After the adoption of such regulations, restrictions,  
34 and boundaries of districts, the zoning commission  
35 may, from time to time, recommend to the board of  
36 supervisors amendments, supplements, changes or  
37 modifications.

38 2. The zoning commission may recommend to the  
39 board of supervisors for adoption a comprehensive plan  
40 pursuant to section 335.5, or amendments thereto.

41 3. The zoning commission, with the approval of the  
42 board of supervisors, may contract with professional  
43 consultants, regional planning commissions, the Iowa  
44 department of economic development, or the federal  
45 government, for local planning assistance.

46 Sec. 22. Section 414.3, Code 2009, is amended to  
47 read as follows:

48 414.3 Basis of regulations.

49 1. The regulations shall be made in accordance  
50 with a comprehensive plan and designed to preserve

1 the availability of agricultural land; to consider  
2 the protection of soil from wind and water erosion;  
3 to encourage efficient urban development patterns;  
4 to lessen congestion in the street; to secure safety  
5 from fire, flood, panic, and other dangers; to promote  
6 health and the general welfare; to provide adequate  
7 light and air; to prevent the overcrowding of land; to  
8 avoid undue concentration of population; to promote the  
9 conservation of energy resources; to promote reasonable  
10 access to solar energy; and to facilitate the adequate  
11 provision of transportation, water, sewerage, schools,  
12 parks, and other public requirements. However,  
13 provisions of this section relating to the objectives  
14 of energy conservation and access to solar energy do  
15 not void any zoning regulation existing on July 1,  
16 1981, or require zoning in a city that did not have  
17 zoning prior to July 1, 1981.

18 2. Such The regulations shall be made with  
19 reasonable consideration, among other things, as to the  
20 character of the area of the district and the peculiar  
21 suitability of such area for particular uses, and  
22 with a view to conserving the value of buildings and  
23 encouraging the most appropriate use of land throughout  
24 such city.

25 3. The regulations and comprehensive plan shall  
26 be made with consideration of the smart planning  
27 principles under section 18B.1 and may include the  
28 information specified in section 18B.2, subsection 2.

29 4. a. A comprehensive plan recommended for  
30 adoption by the zoning commission established under  
31 section 414.6, may be adopted by the council. The  
32 council may amend the proposed comprehensive plan  
33 prior to adoption. The council shall publish notice  
34 of the meeting at which the comprehensive plan will be  
35 considered for adoption. The notice shall be published  
36 as provided in section 362.3.

37 b. Following its adoption, copies of the  
38 comprehensive plan shall be sent or made available to  
39 the county in which the city is located, neighboring  
40 counties and cities, the council of governments or  
41 regional planning commission where the city is located,  
42 and public libraries within the city.

43 c. Following its adoption, a comprehensive plan may  
44 be amended by the council at any time.

45 Sec. 23. Section 414.6, Code 2009, is amended to  
46 read as follows:

47 414.6 Zoning commission.

48 1. In order to avail itself of the powers  
49 conferred by this chapter, the council shall appoint  
50 a commission, to be known as the zoning commission,

1 to recommend the boundaries of the various original  
2 districts, and appropriate regulations and restrictions  
3 to be enforced therein. Where a city plan commission  
4 already exists, it may be appointed as the zoning  
5 commission. Such commission shall, with due diligence,  
6 prepare a preliminary report and hold public hearings  
7 thereon before submitting its final report; and such  
8 council shall not hold its public hearings or take  
9 action until it has received the final report of such  
10 commission. After the adoption of such regulations,  
11 restrictions, and boundaries of districts, the zoning  
12 commission may, from time to time, recommend to  
13 the council amendments, supplements, changes, or  
14 modifications.

15 2. The zoning commission may recommend to the  
16 council for adoption a comprehensive plan pursuant to  
17 section 414.3, or amendments thereto.

18 Sec. 24. IOWA SMART PLANNING TASK FORCE.

19 1. An Iowa smart planning task force is established  
20 consisting of twenty-nine voting members and four ex  
21 officio, nonvoting members.

22 2. Members of the task force shall consist of all  
23 of the following:

24 a. Fourteen state agency director or administrator  
25 members consisting of all of the following:

26 (1) The director of the department on aging or the  
27 director's designee.

28 (2) The director of the department of economic  
29 development or the director's designee.

30 (3) The secretary of agriculture and land  
31 stewardship or the secretary's designee.

32 (4) The director of the department of cultural  
33 affairs or the director's designee.

34 (5) The director of the department of public health  
35 or the director's designee.

36 (6) The director of the department of management or  
37 the director's designee.

38 (7) The director of the department of natural  
39 resources or the director's designee.

40 (8) The director of the department of workforce  
41 development or the director's designee.

42 (9) The director of the office of energy  
43 independence or the director's designee.

44 (10) The director of the department of  
45 transportation or the director's designee.

46 (11) The administrator of the homeland security  
47 and emergency management division of the department of  
48 public defense or the administrator's designee.

49 (12) The director of the rebuild Iowa office or the  
50 director's designee.



1 (13) The state building code commissioner or the  
2 commissioner's designee.  
3 (14) The chairperson of the utilities board within  
4 the utilities division of the department of commerce or  
5 the chairperson's designee.  
6 b. Chairperson of the department of community  
7 and regional planning at Iowa state university or the  
8 chairperson's designee.  
9 c. Director of the urban and regional planning  
10 program at the university of Iowa or the director's  
11 designee.  
12 d. Director of the institute for decision making  
13 at the university of northern Iowa or the director's  
14 designee.  
15 e. President of the Iowa chapter of the American  
16 planning association or the president's designee.  
17 f. Executive director of the Iowa association of  
18 regional councils or the executive director's designee.  
19 g. President of the Iowa chapter of the American  
20 institute of architects or the president's designee.  
21 h. Executive director of the Iowa league of cities  
22 or the executive director's designee.  
23 i. Executive director of the Iowa state association  
24 of counties or the executive director's designee.  
25 j. President of the executive committee of the  
26 school administrators of Iowa or the president's  
27 designee.  
28 k. A representative appointed by the governor from  
29 a city having a population of five thousand or less  
30 according to the 2000 certified federal census.  
31 l. A representative appointed by the governor from  
32 a city having a population of more than five thousand  
33 and less than twenty-five thousand according to the  
34 2000 certified federal census.  
35 m. A representative appointed by the governor from  
36 a city having a population of twenty-five thousand or  
37 more according to the 2000 certified federal census.  
38 n. A representative appointed by the governor from  
39 a county having a population of ten thousand or less  
40 according to the 2000 certified federal census.  
41 o. A representative appointed by the governor from  
42 a county having a population of more than ten thousand  
43 and less than fifty thousand according to the 2000  
44 certified federal census.  
45 p. A representative appointed by the governor from  
46 a county having a population of fifty thousand or more  
47 according to the 2000 certified federal census.  
48 3. The task force shall include four members of  
49 the general assembly serving as ex officio, nonvoting  
50 members, with not more than one member from each



1 chamber being from the same political party. The two  
2 senators shall be appointed one each by the majority  
3 leader of the senate after consultation with the  
4 president of the senate, and by the minority leader of  
5 the senate. The two representatives shall be appointed  
6 one each by the speaker of the house of representatives  
7 after consultation with the majority leader of the  
8 house of representatives, and by the minority leader of  
9 the house of representatives.

10 4. The task force may establish committees and  
11 subcommittees comprised of members of the task force.

12 5. Members of the task force designated in  
13 subsection 2, paragraphs "k" through "p" shall serve at  
14 the pleasure of the governor. For the members of the  
15 task force designated in subsection 2, paragraphs "k"  
16 through "p", at least one member shall have experience  
17 in real estate, at least one member shall have  
18 experience in land development, and at least one member  
19 shall have experience in residential construction.

20 6. A vacancy on the task force shall be filled in  
21 the same manner as the original appointment.

22 7. a. A majority of the members of the task force  
23 constitutes a quorum. Any action taken by the task  
24 force must be adopted by the affirmative vote of a  
25 majority of its membership. A task force member's  
26 designee may vote on task force matters in the absence  
27 of the member.

28 b. The task force shall elect a chairperson and  
29 vice chairperson from the membership of the task force.

30 c. The task force shall meet at least four times  
31 before November 15, 2010. Meetings of the task force  
32 may be called by the chairperson or by a majority of  
33 the members. However, the first meeting of the task  
34 force shall be called by the governor.

35 d. Members of the task force shall not be  
36 compensated for meeting participation or reimbursed  
37 for costs associated with meeting attendance. A  
38 legislative member is not eligible for per diem and  
39 expenses as provided in section 2.10.

40 8. The director of the department of management, or  
41 the director's designee, shall provide staff assistance  
42 and administrative support to the task force. The task  
43 force may request information or other assistance from  
44 the Iowa association of regional councils.

45 9. The director of the department of management, or  
46 the director's designee, shall seek funding to support  
47 municipal comprehensive planning in this state.

48 10. The task force shall comply with the  
49 requirements of chapters 21 and 22. The department of  
50 management shall be the official repository of task

1 force records.

2 11. The duties of the task force shall include but  
3 are not limited to the following:

4 a. Consult land use experts, representatives of  
5 cities and counties, agricultural and environmental  
6 interests, urban and regional planning experts, reports  
7 or information from the local government innovation  
8 commission, and all other information deemed relevant  
9 by task force members.

10 b. Solicit information from the general public on  
11 matters related to comprehensive planning.

12 c. Evaluate state policies, programs, statutes,  
13 and rules to determine whether any state policies,  
14 programs, statutes, or rules should be revised to  
15 integrate the Iowa smart planning principles under  
16 section 18B.1.

17 d. Develop statewide goals for comprehensive  
18 planning that utilize the Iowa smart planning  
19 principles under section 18B.1, and develop  
20 recommendations for a process to measure progress  
21 toward achieving those goals.

22 e. Evaluate and develop incentives to conduct local  
23 and regional comprehensive planning, including but not  
24 limited to state financial and technical assistance.

25 f. Develop a model for regional comprehensive  
26 planning within the state and recommend partnerships  
27 between state agencies, local governments, educational  
28 institutions, and research facilities.

29 g. Review municipal comprehensive plans to  
30 determine the number of such plans that address the  
31 hazards identified in section 18B.2, subsection 2,  
32 paragraph "k", and the adequacy of such plans in  
33 addressing those hazards.

34 h. Develop a set of recommendations that is  
35 consistent with the Iowa smart planning principles  
36 under section 18B.1 and that does all of the following:

37 (1) Coordinates, facilitates, and centralizes  
38 the exchange of information related to state and  
39 local planning, zoning, and development between state  
40 agencies and the general assembly.

41 (2) Coordinates discussions concerning a proposed  
42 geographic information system between the producers and  
43 the users of such systems.

44 (3) Allows the efficient production and  
45 dissemination of population and other demographic  
46 statistical forecasts.

47 (4) Creates a centralized electronic storage  
48 location for all comprehensive plans adopted under  
49 chapter 335 or chapter 414.

50 (5) Facilitates the cooperation of state and local

1 governments with comprehensive planning, educational,  
2 and research programs.

3 (6) Provides and administers technical and  
4 financial assistance for state and local comprehensive  
5 planning.

6 (7) Provides information to local governments  
7 relating to state and federal resources and other  
8 resources for comprehensive planning.

9 12. The task force shall prepare a report that  
10 includes goals, recommendations, and other information  
11 described in subsection 11, to the governor and the  
12 general assembly on or before November 15, 2010.

13 13. The task force is dissolved on December 31,  
14 2012.

15 DIVISION VIII

16 GROW IOWA VALUES FUND

17 Sec. 25. There is appropriated from the rebuild  
18 Iowa infrastructure fund to the department of economic  
19 development for deposit in the grow Iowa values fund,  
20 for the fiscal year beginning July 1, 2010, and ending  
21 June 30, 2011, the following amount, notwithstanding  
22 section 8.57, subsection 6, paragraph "c":  
23 ..... \$ 38,000,000

24 Sec. 26. GROW IOWA VALUES FUND APPROPRIATION  
25 REDUCTION. In lieu of the \$50,000,000 appropriated  
26 for the fiscal year beginning July 1, 2010, and ending  
27 June 30, 2011, from the grow Iowa values fund to the  
28 department of economic development pursuant to section  
29 15G.111, subsection 3, there is appropriated from the  
30 grow Iowa values fund to the department of economic  
31 development for the fiscal year beginning July 1, 2010,  
32 and ending June 30, 2011, \$38,000,000 for the purposes  
33 of making expenditures pursuant to chapter 15G.

34 Sec. 27. GROW IOWA VALUES FUND ALLOCATIONS. In  
35 lieu of the amounts allocated pursuant to section  
36 15G.111, subsections 4 through 10, for the fiscal year  
37 beginning July 1, 2010, and ending June 30, 2011, of  
38 the \$38,000,000 appropriated to the department of  
39 economic development pursuant to this division of  
40 this Act, the department shall allocate the following  
41 amounts for the following purposes as described in  
42 section 15G.111, subsections 4 through 10:

43 1. For departmental purposes, \$21,363,600.

44 2. For the state board of regents institutions,  
45 \$3,800,000.

46 3. For state parks, \$760,000.

47 4. For deposit in the Iowa cultural trust fund,  
48 \$760,000.

49 5. For community colleges, \$5,320,000.

50 6. For regional financial assistance, \$760,000.

1 Of the moneys allocated pursuant to this subsection  
2 and in lieu of the three hundred fifty thousand  
3 dollars transferred under section 15G.111, subsection  
4 9, paragraph "a", the department shall transfer two  
5 hundred sixty-six thousand dollars to Iowa state  
6 university of science and technology, for purposes  
7 of providing financial assistance to establish small  
8 business development centers.

9 7. For commercialization services, \$4,389,000.

10 8. For targeted small business, \$847,400.

11 Sec. 28. Section 15.247, subsection 3, Code  
12 Supplement 2009, is amended to read as follows:

13 3. a. All moneys designated for the targeted small  
14 business financial assistance program shall be credited  
15 to the program account. The department shall determine  
16 the actuarially sound reserve requirement for the  
17 amount of guaranteed loans outstanding.

18 b. Of the moneys credited to the program account,  
19 the department may allocate an amount necessary  
20 for marketing and compliance and an amount for the  
21 provision of the mentoring services required under  
22 subsection 7.

23 Sec. 29. Section 15G.110, Code Supplement 2009, is  
24 amended to read as follows:

25 15G.110 Appropriation.

26 1. For the fiscal period beginning July 1, 2005,  
27 and ending June 30, 2008, and for the fiscal period  
28 beginning July 1, ~~2010~~ 2011, and ending June 30, 2015,  
29 there is appropriated to the department of economic  
30 development each fiscal year fifty million dollars from  
31 the general fund of the state for deposit in the grow  
32 Iowa values fund.

33 2. For the fiscal period beginning July 1, 2008,  
34 and ending June 30, ~~2010~~ 2011, there is appropriated  
35 to the department of economic development each fiscal  
36 year fifty million dollars from the rebuild Iowa  
37 infrastructure fund for deposit in the grow Iowa values  
38 fund, notwithstanding section 8.57, subsection 6,  
39 paragraph "c".

40 Sec. 30. Section 15G.111, subsection 2, paragraph  
41 b, Code Supplement 2009, is amended to read as follows:

42 b. Moneys credited to the fund are not subject to  
43 section 8.33. Notwithstanding section 12C.7, interest  
44 or earnings on moneys in the fund shall be credited  
45 to the fund. Interest or earnings on moneys in the  
46 fund are appropriated to the department. Of the  
47 moneys appropriated to the department pursuant to this  
48 paragraph, the department shall make the following  
49 allocations:

50 (1) For each fiscal year of the fiscal period

1 beginning July 1, 2010, and ending June 30, 2013, the  
2 department shall allocate not more than one hundred  
3 seventy-five thousand dollars for purposes of providing  
4 financial assistance to Iowa's councils of governments.

5 (2) For each fiscal year of the fiscal period  
6 beginning July 1, 2010, and ending June 30, 2013, the  
7 department shall allocate not more than two hundred  
8 thousand dollars for purposes of providing support and  
9 administrative assistance to the vision Iowa board, the  
10 community attraction and tourism program, and river  
11 enhancement community attraction and tourism projects.

12 (3) For each fiscal year of the fiscal period  
13 beginning July 1, 2010, and ending June 30, 2013, the  
14 department shall allocate the remaining amount of  
15 interest or earnings on moneys in the fund for purposes  
16 of providing financial assistance under the disaster  
17 recovery component of the grow Iowa values financial  
18 assistance program. All moneys allocated pursuant to  
19 this subparagraph that remain unexpended or unobligated  
20 at the end of the fiscal year beginning July 1, 2012,  
21 shall revert and be credited to the fund.

22 Sec. 31. Section 15G.111, subsection 4, unnumbered  
23 paragraph 1, Code Supplement 2009, is amended to read  
24 as follows:

25 Of the moneys appropriated to the department  
26 pursuant to subsection 3, the department shall  
27 allocate ~~thirty-two~~ twenty-eight million five hundred  
28 thousand dollars each fiscal year as follows:

29 Sec. 32. Section 15G.111, subsection 10, Code  
30 Supplement 2009, is amended to read as follows:

31 10. ~~Commercialization~~ Innovation and  
32 commercialization services. Of the moneys appropriated  
33 to the department pursuant to subsection 3, the  
34 department shall allocate ~~three~~ five million five  
35 hundred thousand dollars for deposit in the innovation  
36 and commercialization development fund created in  
37 section 15.412.

38 Sec. 33. Section 15G.111, Code Supplement 2009, is  
39 amended by adding the following new subsection:

40 NEW SUBSECTION. 11. Targeted small businesses. Of  
41 the moneys appropriated to the department pursuant to  
42 subsection 3, the department shall allocate one million  
43 dollars for deposit in the targeted small business  
44 financial assistance program account established  
45 pursuant to section 15.247 within the strategic  
46 investment fund created in section 15.313.

47 DIVISION IX

48 SMALL BUSINESS LINKED INVESTMENTS

49 Sec. 34. Section 12.43, subsection 5, unnumbered  
50 paragraph 1, Code 2009, is amended to read as follows:

1 In order to qualify under this program, all  
2 owners of the business or borrowers must not have  
3 a combined net worth exceeding ~~seven~~ nine hundred  
4 ~~fifty~~ seventy-five thousand dollars as defined in  
5 rules adopted by the treasurer of state pursuant to  
6 chapter 17A and the small business must meet all of the  
7 following criteria:

8 DIVISION X  
9 SITE DEVELOPMENT

10 Sec. 35. Section 15E.18, Code 2009, is amended by  
11 striking the section and inserting in lieu thereof the  
12 following:

13 15E.18 Site development consultations --  
14 certificates of readiness.

15 1. a. The department shall consult with local  
16 governments and local economic development officials in  
17 regard to site development techniques. For purposes  
18 of this section, "site development techniques" include  
19 environmental evaluations, property and wetland  
20 delineation, and historical evaluations.

21 b. The department may charge a fee for providing  
22 site development consultations. The fee shall not  
23 exceed the reasonable cost to the department of  
24 providing the consultations. The amount of any fees  
25 collected by the department shall be deposited in the  
26 general fund of the state.

27 2. a. A local government or local economic  
28 development official involved with the development of  
29 a site may apply to the department for a certificate  
30 of readiness verifying that the site is ready for  
31 development.

32 b. The department shall develop criteria for  
33 evaluating various types of sites in order to determine  
34 whether a particular site is ready for development  
35 based on the site's individual circumstances and the  
36 economic development goals of the applicant.

37 c. The department shall review applications for  
38 certificates of readiness and may issue a certificate  
39 of readiness to any site that meets the criteria  
40 developed under paragraph "b".

41 3. The department shall adopt rules pursuant to  
42 chapter 17A for the implementation of this section.

43 Sec. 36. SITE DEVELOPMENT CONSULTATIONS  
44 APPROPRIATION. There is appropriated from the school  
45 infrastructure fund created in section 12.82 to the  
46 department of economic development for the fiscal year  
47 beginning July 1, 2010, and ending June 30, 2011, the  
48 following amount, or so much thereof as is necessary,  
49 to be used for the purposes designated:

50 For providing site development consultations



1 pursuant to section 15E.18, including salaries,  
2 support, maintenance, miscellaneous purposes, and  
3 for not more than the following full-time equivalent  
4 positions:

5 .....	\$	175,000
6 .....	FTEs	1.00

7 Of the moneys appropriated to the department  
8 pursuant to this section, the department may allocate  
9 up to \$75,000 for purposes of contracting with third  
10 parties to provide site development consultations.

11 DIVISION XI

12 INTERNET SITE FOR BUSINESS

13 ASSISTANCE

14 Sec. 37. BUSINESS ASSISTANCE INTERNET SITE.

15 1. The department of economic development, in  
16 consultation with other state agencies that provide  
17 financial and technical assistance to small businesses  
18 and with the state board of regents, shall create a  
19 business assistance internet site designed to assist  
20 small businesses in finding information related to the  
21 various kinds of technical and financial assistance  
22 available from the state of Iowa. The department  
23 may incorporate the internet site into its existing  
24 internet site as appropriate.

25 2. The internet site shall include links to the  
26 various internet sites maintained by other state  
27 agencies or the state board of regents that pertain  
28 to assistance for small businesses. The other state  
29 agencies and the board of regents shall assist the  
30 department of economic development in an effort to keep  
31 the information on the internet site up-to-date. The  
32 department of administrative services shall work with  
33 the department of economic development to ensure that  
34 the internet site is readily accessible to the public.

35 Sec. 38. BUSINESS ASSISTANCE INTERNET SITE  
36 APPROPRIATION. There is appropriated from the school  
37 infrastructure fund created in section 12.82 to the  
38 department of economic development for the fiscal year  
39 beginning July 1, 2010, and ending June 30, 2011, the  
40 following amount, or so much thereof as is necessary,  
41 to be used for the purposes designated:

42 For purposes of creating a business assistance  
43 internet site:

44 .....	\$	20,000
----------	----	--------

45 DIVISION XII

46 REGULATORY ASSISTANCE INTERIM

47 STUDY COMMITTEE

48 Sec. 39. REGULATORY ASSISTANCE INTERIM STUDY

49 COMMITTEE.

50 1. The legislative council is requested to



1 establish an interim study committee to examine and  
2 make recommendations regarding methods of assisting  
3 small businesses that do not require direct financial  
4 incentives and regarding potential changes of law  
5 that would improve business licensing, regulatory  
6 compliance, and tax collection procedures.

7 2. The study committee shall be composed of five  
8 members of the house of representatives, five members  
9 of the senate, and five members of the general public  
10 who are also small business owners. Of the members  
11 of the senate, three members shall be appointed by  
12 the majority leader of the senate and two shall be  
13 appointed by the minority leader of the senate. Of  
14 the members of the house of representatives, three  
15 members shall be appointed by the speaker of the house  
16 of representatives, and two shall be appointed by the  
17 minority leader of the house of representatives.

18 3. a. The study committee shall work with the  
19 department of economic development, the department of  
20 inspections and appeals, the insurance division of  
21 the department of commerce, the department of natural  
22 resources, the professional licensing and regulation  
23 bureau of the banking division of the department  
24 of commerce, the department of public health, the  
25 department of public safety, the department of revenue,  
26 the secretary of state, and the department of workforce  
27 development to study ways to improve the state's  
28 business licensing procedures.

29 b. In preparation for assisting with the interim  
30 study committee, a state agency listed in this  
31 subsection shall conduct an internal review to identify  
32 and prioritize its procedures as they pertain to  
33 businesses and business licensing.

34 c. A state agency listed in this subsection shall  
35 provide all necessary assistance to the interim study  
36 committee in making recommendations to the general  
37 assembly.

38 4. The interim study committee shall submit its  
39 recommendations to the general assembly on or before  
40 January 14, 2011.

41 DIVISION XIII

42 SAVE OUR SMALL BUSINESSES FUND  
43 AND PROGRAM

44 Sec. 40. NEW SECTION. 15.300 Findings and intent.

45 1. The general assembly finds all of the following:

46 a. That entrepreneurs and small businesses often  
47 have difficulty obtaining conventional loan financing,  
48 limiting their ability to expand, retain, and create  
49 additional jobs.

50 b. That a source of capital provided by the state

1 could greatly assist entrepreneurs and small businesses  
2 in their efforts to upgrade or modernize equipment,  
3 realize additional efficiencies in their supply  
4 chains, improve their distribution and transportation  
5 margins, reduce facility costs through increased energy  
6 efficiency, and leverage other sources of business  
7 financing.

8 2. The purpose of the save our small businesses  
9 fund created in section 15.301 is to promote the  
10 creation and retention of jobs in the state's economy  
11 and to assist businesses to be more competitive by  
12 addressing the needs identified in subsection 1.

13 Sec. 41. NEW SECTION. 15.301 Save our small  
14 businesses fund and program.

15 1. a. A save our small businesses fund is created  
16 in the state treasury under the control of the  
17 department and consisting of any moneys appropriated to  
18 the fund by the general assembly and any other moneys  
19 available and obtained or accepted by the department  
20 for placement in the fund.

21 b. Payments of interest, repayments of moneys  
22 loaned pursuant to this section, and recaptures of  
23 loans shall be deposited in the fund. The fund shall  
24 be used to provide financial assistance in the form  
25 of low-interest loans as provided under the program  
26 created in this section.

27 c. (1) If, on March 31, 2011, there are  
28 unobligated moneys in the fund, such unobligated moneys  
29 shall revert to the general fund of the state.

30 (2) For each quarter, beginning with the first  
31 quarter after the reversion of moneys pursuant to  
32 subparagraph (1) and ending with the last quarter prior  
33 to the reversion of moneys pursuant to subparagraph  
34 (3), the department shall, on the last day of the  
35 quarter transfer to the general fund of the state the  
36 balance of unencumbered moneys in the fund.

37 (3) On March 31, 2016, all moneys in the fund shall  
38 revert to the general fund of the state.

39 2. a. The department shall establish and  
40 administer a program for purposes of providing  
41 financial assistance to eligible small businesses.  
42 For purposes of this section, "financial assistance"  
43 means loans at an interest rate not to exceed three  
44 and nine-tenths percent per annum and "eligible  
45 small business" means a small business meeting the  
46 requirements of subsection 3.

47 b. (1) The department may designate an  
48 organization to administer the provisions of this  
49 section on the department's behalf.

50 (2) In order to be designated, an organization must

1 be a nonprofit organization exempt from taxation under  
2 section 501(c)(3) of the Internal Revenue Code and  
3 must be designated by the United States small business  
4 administration as a statewide microloan program  
5 provider.

6 (3) If the department elects to designate an  
7 organization pursuant to subparagraph (1), the  
8 department shall enter into an agreement with the  
9 organization for purposes of ensuring that the program  
10 is administered pursuant to the requirements of this  
11 section.

12 (4) An organization designated pursuant to  
13 subparagraph (1) may accept, evaluate, and approve  
14 applications for financial assistance from eligible  
15 small businesses pursuant to the requirements of this  
16 section and may monitor the compliance of eligible  
17 businesses with the terms of an agreement entered into  
18 with the department.

19 (5) All disbursements of moneys to recipients  
20 of financial assistance approved by an organization  
21 designated pursuant to subparagraph (1) shall be made  
22 by the department.

23 (6) All repayments of principal and interest on  
24 financial assistance provided under the program shall  
25 be remitted to the department and deposited in the  
26 fund.

27 (7) The department, with the assistance of an  
28 organization designated pursuant to subparagraph (1),  
29 may seek the recapture of financial assistance provided  
30 pursuant to this section as provided in subsection 4.

31 c. Financial assistance under the program shall be  
32 provided from the fund created in subsection 1.

33 d. Financial assistance to a small business shall  
34 be at least two thousand five hundred dollars, but  
35 shall not exceed fifty thousand dollars.

36 e. The department, under the terms of an agreement  
37 with the organization designated pursuant to paragraph  
38 "b", shall begin to provide financial assistance from  
39 the fund not later than August 1, 2010, and shall to  
40 the extent practicable obligate all available moneys in  
41 the fund prior to March 31, 2011.

42 f. A loan made to a small business under the  
43 program may be for any period of time, but the terms of  
44 such loan shall provide for the repayment of principal  
45 and interest prior to the date the moneys in the  
46 fund revert pursuant to subsection 1, paragraph "c",  
47 subparagraph (3).

48 3. A business is eligible to apply for financial  
49 assistance under the program if the business meets all  
50 of the following criteria at the time of application:

1 a. The business has thirty-five or fewer full-time  
2 equivalent employees.  
3 b. The business is located in Iowa.  
4 c. The business is owned, operated, and actively  
5 managed by a resident of Iowa.  
6 d. The business has a business plan and has  
7 received assistance in the development stage or the  
8 expansion stage from a small business development  
9 center or from a qualified public or nonprofit small  
10 business consultant as defined by the department.  
11 e. If a business has been a going concern for two  
12 years or more, the business has not been found to be in  
13 violation of any environmental or worker safety laws,  
14 rules, or regulations.  
15 f. The business only employs individuals legally  
16 authorized to work in this state.  
17 g. The business does not engage in the production,  
18 depiction, or distribution of obscene material. For  
19 purposes of this paragraph, "obscene material" means  
20 the same as defined in section 728.1.  
21 h. The business is not in bankruptcy and is not  
22 imminently contemplating filing for bankruptcy.  
23 4. Upon approval of the application for financial  
24 assistance by the department or an organization  
25 designated pursuant to subsection 2, paragraph "b", the  
26 eligible business shall enter into an agreement with  
27 the department which shall include but not be limited  
28 to all of the following provisions:  
29 a. If an eligible business, after receiving  
30 financial assistance, does not continue to meet one or  
31 more of the criteria for eligibility under subsection  
32 3, except for subsection 3, paragraph "a", all or a  
33 portion of the financial assistance received is subject  
34 to disallowance, recapture, or immediate repayment.  
35 b. If, after receiving financial assistance, an  
36 eligible business ceases operations within the state  
37 or removes a significant portion of its operations  
38 to a location outside of the state, all or a portion  
39 of the financial assistance received is subject to  
40 disallowance, recapture, or immediate repayment.  
41 5. a. An eligible business shall not receive more  
42 than one award of financial assistance under this  
43 section.  
44 b. An eligible business that receives financial  
45 assistance under this section may subsequently  
46 apply for financial assistance under other programs  
47 administered by the department.  
48 c. An eligible business that receives financial  
49 assistance under this section shall not use such  
50 financial assistance for purposes of meeting payroll

1 obligations to employees.

2 6. a. The small business development centers shall  
3 track the number of referrals for assistance made  
4 to the department for assistance under this section  
5 and shall include that number in the small business  
6 development center's annual report to the general  
7 assembly.

8 b. The department in conjunction with an  
9 organization designated pursuant to subsection 2,  
10 paragraph "b", shall by January 15 of each year submit  
11 a report on the program administered pursuant to  
12 this section to the general assembly. The report  
13 shall include information on the number of businesses  
14 that receive loans under the program and any other  
15 information the department deems relevant to assessing  
16 the success of the program.

17 7. The department shall adopt rules pursuant to  
18 chapter 17A as necessary to administer the program.  
19 The department may adopt emergency rules under section  
20 17A.4, subsection 3, and section 17A.5, subsection 2,  
21 paragraph "b", as necessary for the administration of  
22 this section.

23 Sec. 42. SAVE OUR SMALL BUSINESSES FUND  
24 APPROPRIATION. There is appropriated from the school  
25 infrastructure fund created in section 12.82 to the  
26 department of economic development for deposit in the  
27 save our small businesses fund for the fiscal year  
28 beginning July 1, 2010, and ending June 30, 2011, the  
29 following amount, or so much thereof as is necessary,  
30 to be used for the purposes designated:

31 For purposes of providing financial assistance under  
32 the save our small businesses program under section  
33 15.301:

34 ..... \$ 5,000,000

35 Of the moneys appropriated pursuant to this section,  
36 the department may allocate an amount not to exceed  
37 two percent of the moneys appropriated for purposes of  
38 retaining the services of an organization designated  
39 pursuant to section 15.301, subsection 2, paragraph  
40 "b".

41 Sec. 43. EFFECTIVE UPON ENACTMENT. This division  
42 of this Act, being deemed of immediate importance,  
43 takes effect upon enactment.

44 DIVISION XIV

45 ALTERNATIVE PUBLIC PROJECT DELIVERY STUDY

46 Sec. 44. INTERIM STUDY COMMITTEE -- ALTERNATIVE  
47 PROJECT DELIVERY -- REGENTS INSTITUTIONS.

48 1. The legislative council is requested to  
49 establish an interim study committee to study the use  
50 of alternative project delivery for public projects at

1 institutions under the control of the state board of  
2 regents. The study shall include but is not limited  
3 to a review and analysis of the use of alternative  
4 project delivery at land grant institutions and  
5 research universities in other states. There shall  
6 be three members from the house of representatives  
7 and three members from the senate. In addition to  
8 the legislative members, the membership of the study  
9 committee shall include the following public members:

10 a. Two members appointed by the state board of  
11 regents.

12 b. One member appointed by the Iowa chapter of the  
13 American institute of architects.

14 c. One member appointed by the American council of  
15 engineering companies of Iowa.

16 d. One member appointed by the Iowa chapter of the  
17 design-build institute of America.

18 e. One member appointed by the master builders of  
19 Iowa.

20 f. One member appointed by the mechanical  
21 contractors association of Iowa.

22 g. One member appointed by the Iowa chapter of the  
23 national electrical contractors association.

24 h. One member appointed by the Iowa state building  
25 and construction trades council.

26 i. One member appointed by the sheet metal  
27 contractors of Iowa.

28 2. The committee shall meet twice during the 2010  
29 legislative interim and shall submit findings and any  
30 recommendations in a report to the general assembly by  
31 January 15, 2011.

32 DIVISION XV

33 FLOODPLAIN MAPPING

34 Sec. 45. FLOODPLAIN MAPPING. Using funds allocated  
35 to the department of natural resources for floodplain  
36 mapping from the appropriation made to the department  
37 of economic development in 2009 Iowa Acts, chapter  
38 183, section 67, of federal community development  
39 block grant funds awarded to the state under the  
40 federal Consolidated Security, Disaster Assistance,  
41 and Continuing Appropriations Act, 2009, Pub. L. No.  
42 110-329, the department of natural resources shall  
43 enter an agreement in an amount of not less than  
44 \$10,000,000 with the state university of Iowa for the  
45 development of new floodplain maps by June 30, 2014, by  
46 the Iowa flood center established pursuant to section  
47 466C.1. The department of natural resources shall  
48 structure the contract to be consistent with any plan  
49 for use of the funds approved by any federal agency,  
50 or, if necessary, follow any procedures necessary for

1 approval of this contract.

2 Sec. 46. EFFECTIVE UPON ENACTMENT. This division  
3 of this Act, being deemed of immediate importance,  
4 takes effect upon enactment.

5 DIVISION XVI

6 DEPARTMENT OF ADMINISTRATIVE SERVICES -- OFFICE  
7 SPACE -- STATE FLEET

8 Sec. 47. DEPARTMENT OF ADMINISTRATIVE SERVICES --  
9 OFFICE SPACE REQUEST FOR PROPOSALS.

10 1. The department of administrative services  
11 shall issue a request for proposals concerning the  
12 availability and cost of office space for state  
13 employees in downtown Des Moines and in other areas  
14 in close proximity to the state capitol complex. The  
15 department shall consider the advantages of locating  
16 state employees and their functions near the state  
17 capitol complex.

18 2. In issuing the request for proposals, the  
19 department shall examine current leases for office  
20 space within the greater Des Moines area, determine  
21 the current length and duration of those leases, and  
22 consider the number of state employees impacted by  
23 those leases.

24 3. The request for proposals shall ensure that any  
25 office space selected shall meet all of the following  
26 criteria:

27 a. The building which includes the office space has  
28 skywalk access.

29 b. The building which includes the office space is  
30 located within reasonable proximity to the free shuttle  
31 service route that includes transportation between the  
32 capitol complex and the downtown Des Moines area.

33 c. The entity leasing office space provides  
34 adequate parking to employees utilizing the office  
35 space which is within reasonable proximity to the  
36 office space.

37 d. The office space is energy efficient.

38 e. The office space provides adequate space and  
39 resources needed for the employees intending to occupy  
40 the office space.

41 4. The department of administrative services  
42 shall issue the request for proposals by December 1,  
43 2010, and shall submit a written report to the general  
44 assembly concerning the request for proposals by  
45 January 14, 2011.

46 Sec. 48. DEPARTMENT OF ADMINISTRATIVE SERVICES --  
47 OFFICE SPACE -- COST-BENEFIT ANALYSIS.

48 1. a. The department of administrative services  
49 shall conduct a cost-benefit analysis of utilizing  
50 existing office space for state employees in downtown



1 Des Moines and other areas in close proximity to  
2 the state capitol complex in lieu of replacing or  
3 renovating the Wallace Building or relocating any state  
4 agencies to any space in the mercy capitol hospital  
5 building. The cost-benefit analysis shall include  
6 consideration of any cost to the applicable local  
7 jurisdiction arising from the state's utilization of  
8 existing office space.

9 b. The department of administrative services shall  
10 submit a written report to the general assembly on the  
11 cost-benefit analysis by January 14, 2011.

12 2. Prior to submitting the cost-benefit analysis  
13 report required by this section, the department of  
14 administrative services shall not relocate any state  
15 agencies to space in the Mercy capitol hospital  
16 building other than any of the following:

17 a. A centralized department of corrections  
18 pharmacy.

19 b. Offices of a state agency currently located in a  
20 state-owned office building.

21 c. Any state employee located in a nonleased  
22 facility or space.

23 d. A nonstate agency.

24 e. The office of the insurance division of the  
25 department of commerce.

26 f. The agricultural development authority  
27 established in section 175.3.

28 Sec. 49. DEPARTMENT OF ADMINISTRATIVE SERVICES

29 -- STATE FLEET RELOCATION. The department of  
30 administrative services shall evaluate and consider  
31 relocating state fleet operations. The department  
32 shall be authorized to relocate state fleet operations  
33 pursuant to such evaluation.

34 DIVISION XVII

35 CHANGES TO PRIOR APPROPRIATIONS

36 Sec. 50. 2004 Iowa Acts, chapter 1175, section 288,  
37 subsection 7, paragraph d, is amended by adding the  
38 following new unnumbered paragraph:

39 NEW UNNUMBERED PARAGRAPH Notwithstanding section  
40 8.33, 2004 Iowa Acts, chapter 1175, section 290,  
41 or any other provision of law, moneys allocated in  
42 this lettered paragraph that remain unencumbered or  
43 unobligated at the close of a fiscal year shall not  
44 revert but shall remain available for expenditure  
45 for the purposes designated until the close of the  
46 fiscal year that begins July 1, 2012. However, if the  
47 projects for which the moneys are appropriated are  
48 completed in an earlier fiscal year, unencumbered or  
49 unobligated moneys shall revert at the close of that  
50 fiscal year.

1 Sec. 51. 2006 Iowa Acts, chapter 1179, section 4,  
2 subsection 1, is amended to read as follows:

3 1. a. Notwithstanding Except as provided in  
4 paragraph "b", notwithstanding section 8.33, moneys  
5 appropriated for the fiscal year beginning July  
6 1, 2006, in this division of this Act that remain  
7 unencumbered or unobligated at the close of the fiscal  
8 year shall not revert but shall remain available for  
9 the purposes designated until the close of the fiscal  
10 year that begins July 1, 2009, or until the project  
11 for which the appropriation was made is completed,  
12 whichever is earlier.

13 b. Notwithstanding section 8.33, moneys  
14 appropriated for the fiscal year beginning July 1,  
15 2006, in section 1, subsection 1, and section 1,  
16 subsection 11, paragraph "b" of this division of this  
17 Act that remain unencumbered or unobligated at the  
18 close of the fiscal year shall not revert but shall  
19 remain available for the purposes designated until the  
20 close of the fiscal year that begins July 1, 2010, or  
21 until the project for which the appropriation was made  
22 is completed, whichever is earlier.

23 Sec. 52. 2006 Iowa Acts, chapter 1179, section 18,  
24 is amended to read as follows:

25 SEC. 18. REVERSION.

26 1. Except as provided in subsections 2, and 3, and  
27 4, notwithstanding section 8.33, moneys appropriated  
28 from the endowment for Iowa's health restricted  
29 capitals fund for the fiscal years that begin July 1,  
30 2005, and July 1, 2006, in this division of this Act  
31 that remain unencumbered or unobligated at the close  
32 of the fiscal year shall not revert but shall remain  
33 available for the purposes designated until the close  
34 of the fiscal year that begins July 1, 2009, or until  
35 the project for which the appropriation was made is  
36 completed, whichever is earlier.

37 2. Notwithstanding section 8.33, moneys  
38 appropriated from the endowment for Iowa's health  
39 restricted capitals fund for the fiscal year that  
40 begins July 1, 2006, and ends June 30, 2007, in this  
41 division of this Act to the department of veterans  
42 affairs for capital improvement projects at the Iowa  
43 veterans home that remain unencumbered or unobligated  
44 at the close of the fiscal year shall not revert but  
45 shall remain available for expenditure for the purposes  
46 designated until the close of the fiscal year that  
47 begins July 1, 2010.

48 3. Notwithstanding section 8.33, moneys  
49 appropriated from the endowment for Iowa's health  
50 restricted capitals fund for the fiscal year beginning

1 July 1, 2006, and ending June 30, 2007, in this  
 2 division of this Act to the department of education  
 3 for major renovation and major repair needs at the  
 4 community colleges that remain unencumbered or  
 5 unobligated at the close of the fiscal year shall not  
 6 revert but shall remain available for expenditure for  
 7 the purposes designated until the close of the fiscal  
 8 year beginning July 1, 2010, or until the project for  
 9 which appropriated is completed, whichever is earlier.

10 4. Notwithstanding section 8.33, moneys  
 11 appropriated from the endowment for Iowa's health  
 12 restricted capitals fund for the fiscal year that  
 13 begins July 1, 2006, and ends June 30, 2007, in  
 14 this division of this Act to the department of  
 15 administrative services for upgrades to the Woodward  
 16 state resource center wastewater treatment system that  
 17 remain unencumbered or unobligated at the close of the  
 18 fiscal year shall not revert but shall remain available  
 19 for expenditure for the purposes designated until the  
 20 close of the fiscal year that begins July 1, 2011, or  
 21 until the project for which the appropriation is made  
 22 is completed, whichever is earlier.

23 Sec. 53. 2007 Iowa Acts, chapter 219, section 7,  
 24 subsection 1, as amended by 2009 Iowa Acts, chapter  
 25 170, section 20, and 2009 Iowa Acts, chapter 184,  
 26 section 17, is amended to read as follows:

27 1. For costs associated with the construction and  
 28 establishment of the Iowa institute for biomedical  
 29 discovery at the state university of Iowa:

30 FY 2008-2009.....	\$	0
31 FY 2009-2010.....	\$	0
32 FY 2010-2011.....	\$	10,000,000
33		0

34 Sec. 54. 2007 Iowa Acts, chapter 219, section 15,  
 35 is amended to read as follows:

36 SEC. 15. REVERSION.

37 1. ~~Notwithstanding~~ Except as provided in subsection  
 38 2, notwithstanding section 8.33, moneys appropriated  
 39 for the fiscal year beginning July 1, 2007, in this  
 40 division of this Act that remain unencumbered or  
 41 unobligated at the close of the fiscal year shall not  
 42 revert but shall remain available for the purposes  
 43 designated until the close of the fiscal year beginning  
 44 July 1, 2009, or until the project for which the  
 45 appropriation was made is completed, whichever is  
 46 earlier.

47 2. Notwithstanding section 8.33, moneys  
 48 appropriated for the fiscal year beginning July 1,  
 49 2007, in section 14, subsections 4 and 7 of this  
 50 division of this Act that remain unencumbered or

1 unobligated at the close of the fiscal year shall not  
 2 revert but shall remain available for the purposes  
 3 designated until the close of the fiscal year beginning  
 4 July 1, 2011, or until the project for which the  
 5 appropriation was made is completed, whichever is  
 6 earlier.

7 Sec. 55. 2008 Iowa Acts, chapter 1179, section 1,  
 8 subsection 1, paragraph 1, as enacted by 2009 Iowa  
 9 Acts, chapter 184, section 21, is amended to read as  
 10 follows:

11 1. For ~~heating, ventilating, and air conditioning~~  
 12 ~~improvements building security and firewall~~  
 13 ~~protection~~ in the Hoover state office building:

14 ..... \$ 165,000

15 Sec. 56. 2008 Iowa Acts, chapter 1179, section 1,  
 16 subsection 4, paragraph b, as amended by 2009 Iowa  
 17 Acts, chapter 81, section 1, is amended to read as  
 18 follows:

19 b. For historical site preservation grants to be  
 20 used for the restoration, preservation, and development  
 21 of historic sites:

22 ..... \$  
 23 1,000,000

24 In making grants pursuant to this lettered  
 25 paragraph, the department shall consider the existence  
 26 and amount of other funds available to an applicant for  
 27 the designated project. A grant awarded from moneys  
 28 appropriated in this lettered paragraph shall not  
 29 exceed \$100,000 per project. Not more than \$200,000  
 30 may be awarded in the same county in the same round of  
 31 grant reviews.

32 Of the amount appropriated in this lettered  
 33 paragraph, \$20,000 shall be used for the administration  
 34 and support of historic sites including the hiring and  
 35 employment of seasonal workers, notwithstanding section  
 36 8.57, subsection 6, paragraph "c".

37 Sec. 57. 2008 Iowa Acts, chapter 1179, section 7,  
 38 as amended by 2009 Iowa Acts, chapter 173, section 21,  
 39 is amended to read as follows:

40 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There  
 41 is appropriated from the rebuild Iowa infrastructure  
 42 fund to the department of economic development for  
 43 the designated fiscal years the following amounts, or  
 44 so much thereof as is necessary, to be used for the  
 45 purposes designated:

46 For deposit into the river enhancement community  
 47 attraction and tourism fund created in 2008 Iowa Acts,  
 48 Senate File 2430, if enacted:

49 FY 2009-2010 ..... \$ 0  
 50 FY 2010-2011 ..... \$ ~~10,000,000~~

1 0

2 FY 2011-2012 ..... \$ 10,000,000

3 FY 2012-2013 ..... \$ 10,000,000

4 ~~Notwithstanding section 8.33, moneys appropriated~~  
 5 ~~in this section for the fiscal year beginning July~~  
 6 ~~1, 2010, and ending June 30, 2011, shall not revert~~  
 7 ~~at the close of the fiscal year for which they are~~  
 8 ~~appropriated but shall remain available for the purpose~~  
 9 ~~designated until the close of the fiscal year that~~  
 10 ~~begins July 1, 2013, or until the project for which~~  
 11 ~~the appropriation was made is completed, whichever is~~  
 12 ~~earlier.~~

13 Notwithstanding section 8.33, moneys appropriated  
 14 in this section for the fiscal year beginning July  
 15 1, 2011, and ending June 30, 2012, shall not revert  
 16 at the close of the fiscal year for which they are  
 17 appropriated but shall remain available for the purpose  
 18 designated until the close of the fiscal year that  
 19 begins July 1, 2014, or until the project for which  
 20 the appropriation was made is completed, whichever is  
 21 earlier.

22 Notwithstanding section 8.33, moneys appropriated  
 23 in this section for the fiscal year beginning July  
 24 1, 2012, and ending June 30, 2013, shall not revert  
 25 at the close of the fiscal year for which they are  
 26 appropriated but shall remain available for the purpose  
 27 designated until the close of the fiscal year that  
 28 begins July 1, 2015, or until the project for which  
 29 the appropriation was made is completed, whichever is  
 30 earlier.

31 Sec. 58. 2008 Iowa Acts, chapter 1179, section 15,  
 32 subsection 4, paragraph b, as amended by 2009 Iowa  
 33 Acts, chapter 184, section 25, is amended to read as  
 34 follows:

35 b. To the public broadcasting division for the  
 36 purchase and installation of generators at transmitter  
 37 sites:

38 ..... \$ 1,602,437

39 Of the amount appropriated in this lettered  
 40 paragraph, up to \$210,477 may be used for operational  
 41 costs of the division for FY 2008-2009, ~~and~~ up to  
 42 \$1,000,000 may be used for operational costs of the  
 43 division for FY 2009-2010, and up to \$378,637 may be  
 44 used for operational costs of the division for FY  
 45 2010-2011, notwithstanding section 8.57C, subsection 2.

46 Sec. 59. 2008 Iowa Acts, chapter 1179, section  
 47 15, subsection 4, paragraph c, is amended to read as  
 48 follows:

49 c. To the public broadcasting division for the  
 50 replacement and digital conversion of the Keosauqua

1 translator:

2 ..... \$ 701,500

3 Of the amount appropriated in this lettered  
 4 paragraph, up to \$25,378 may be used for operational  
 5 costs of the division for FY 2010-2011, notwithstanding  
 6 section 8.57C, subsection 2.

7 Sec. 60. 2008 Iowa Acts, chapter 1179, section 18,  
 8 subsection 3, as amended by 2009 Iowa Acts, chapter  
 9 173, section 24, is amended to read as follows:

10 3. DEPARTMENT OF CORRECTIONS

11 a. For expansion of the community-based corrections  
 12 facility at Sioux City:

13 ..... \$ 5,300,000

14 b. For expansion of the community-based corrections  
 15 facility at Ottumwa:

16 ..... \$ 4,100,000

17 c. For expansion of the community-based corrections  
 18 facility at Waterloo:

19 ..... \$ 6,000,000

20 d. For expansion of the community-based corrections  
 21 facility at Davenport:

22 ..... \$ 2,100,000

23 e. For expansion, including land acquisition, of  
 24 the community-based corrections facility at Des Moines:

25 ..... \$ 13,100,000

26 ..... 0

27 ~~The appropriation in this lettered paragraph~~  
 28 ~~is contingent upon relocation of the sex offender~~  
 29 ~~treatment program from the community based corrections~~  
 30 ~~facility at Des Moines to the property in northeast Des~~  
 31 ~~Moines identified by the fifth judicial district in the~~  
 32 ~~facility and site study final report submitted December~~  
 33 ~~12, 2008.~~

34 It is the intent of the general assembly that the  
 35 funds appropriated in paragraphs "a" through "e" be  
 36 used to expand the number of beds available through new  
 37 construction and remodeling and for the expansion of  
 38 existing facilities.

39 f. For expansion of the Iowa correctional facility  
 40 for women at Mitchellville including costs related  
 41 to project management including the hiring and  
 42 employment of a construction manager and a correctional  
 43 specialist:

44 ..... \$ 47,500,000

45 g. For the remodeling of kitchens at the  
 46 correctional facilities at Mount Pleasant and Rockwell  
 47 City:

48 ..... \$ 12,500,000

49 Sec. 61. 2008 Iowa Acts, chapter 1179, section 22,  
 50 is amended to read as follows:

1 SEC. 22. There is appropriated from the FY 2009  
 2 prison bonding fund created pursuant to section  
 3 12.79, as enacted in this Act, to the department of  
 4 corrections for the fiscal year beginning July 1, 2008,  
 5 and ending June 30, 2009, the following amount, or  
 6 so much thereof as is necessary, to be used for the  
 7 purpose designated:

8 For costs associated with the building of a new Iowa  
 9 State Penitentiary at Fort Madison including costs  
 10 related to project management including the hiring and  
 11 employment of a construction manager and a correctional  
 12 specialist:

13 ..... \$130,677,500

14 The appropriation made in this section constitutes  
 15 approval by the general assembly for the issuance of  
 16 bonds by the treasurer pursuant to section 12.80, as  
 17 enacted in this Act.

18 Sec. 62. 2009 Iowa Acts, chapter 173, section 13,  
 19 subsection 1, is amended by adding the following new  
 20 paragraph:

21 NEW PARAGRAPH. e. Of the moneys appropriated  
 22 in this subsection, the department may award moneys  
 23 for the establishment of drainage district pilot  
 24 projects. Each drainage district pilot project shall  
 25 be presented to the state soil conservation committee  
 26 and the watershed improvement review board to ensure  
 27 the project design, project goals, baseline data  
 28 collection, project data collection standards, and data  
 29 evaluation standards are appropriate for, and advance,  
 30 the soil and water conservation goals of the state.  
 31 Annual progress reports on each pilot project shall  
 32 be presented to the state soil conservation committee  
 33 and the watershed improvement review board to ensure  
 34 the projects continue to advance the soil and water  
 35 conservation goals of the state. All construction  
 36 plans, monitoring plans, project data, and project  
 37 data analysis shall be available for public review  
 38 and study. Experts from the United States geological  
 39 survey, the national laboratory for agriculture and  
 40 the environment at Iowa state university, and other  
 41 appropriate state and federal agencies may be consulted  
 42 on any aspect of the program.

43 Sec. 63. 2009 Iowa Acts, chapter 173, section 13,  
 44 subsection 2, is amended to read as follows:

45 2. DEPARTMENT OF NATURAL RESOURCES

46 For watershed rebuilding and water quality projects:

47 ..... \$ 13,500,000

48 Of the moneys appropriated in this subsection,  
 49 the department may provide moneys to construct,  
 50 reconstruct, or repair infrastructure associated with



1 the control and movement of surface water, including  
2 but not limited to addressing issues affected by  
3 combined sewer overflows, enrolling larger contiguous  
4 areas in emergency watershed programs, improving  
5 facilities or systems that provide water quality,  
6 mitigating flood damage or the threat of flood damage  
7 in the areas most severely affected by the 2008 flood,  
8 and improving or replacing low-head dams. Any award  
9 of moneys made under this subsection shall be in the  
10 form of a grant. Any grant awards for practices on  
11 private property shall be for the public purposes of  
12 flood control, watershed management, or improving water  
13 quality.

14 Sec. 64. 2009 Iowa Acts, chapter 173, section 13,  
15 subsection 4, paragraphs b, c, and d, are amended to  
16 read as follows:

17 b. ~~For deposit into the public service shelter~~  
18 ~~grant fund created in section 16.185 for grants for the~~  
19 construction, renovation, and improvements to homeless  
20 shelters, emergency shelters, and family and domestic  
21 violence shelters:  
22 ..... \$ 10,000,000

23 c. ~~For deposit into the disaster damage housing~~  
24 ~~assistance grant fund created in section 16.186~~  
25 ~~for grants to ease and speed recovery efforts~~  
26 from the natural disasters of 2008, including  
27 stabilizing neighborhoods damaged by the natural  
28 disasters, preventing population loss and neighborhood  
29 deterioration, and improving the health, safety, and  
30 welfare of persons living in such disaster-damaged  
31 neighborhoods:  
32 ..... \$ 5,000,000

33 d. ~~For deposit into the affordable housing~~  
34 ~~assistance grant fund created in section 16.187~~  
35 ~~for grants for housing for certain elderly, disabled,~~  
36 and low-income persons and public servants in critical  
37 skills shortage areas of the state:  
38 ..... \$ 20,000,000

39 Sec. 65. 2009 Iowa Acts, chapter 173, section 13,  
40 subsection 5, unnumbered paragraph 1, as amended by  
41 2009 Iowa Acts, chapter 183, section 71, is amended to  
42 read as follows:

43 For broadband technology grants for the deployment  
44 and sustainability of high-speed broadband access:  
45 ..... \$ ~~25,000,000~~  
46 0

47 Sec. 66. 2009 Iowa Acts, chapter 173, section 13,  
48 subsection 6, is amended to read as follows:

49 6. DEPARTMENT OF TRANSPORTATION

50 For ~~deposit into the bridge safety fund created in~~

1 ~~section 313.68 to be used for~~ infrastructure projects  
 2 relating to functionally obsolete and structurally  
 3 deficient bridges:  
 4 ..... \$ ~~50,000,000~~  
 5 40,000,000

6 Sec. 67. 2009 Iowa Acts, chapter 173, section 13,  
 7 is amended by adding the following new subsection:

8 NEW SUBSECTION. 7. DEPARTMENT OF ECONOMIC  
 9 DEVELOPMENT

10 For the main street Iowa program to be used as  
 11 grants for projects that have previously applied for  
 12 funding consideration, or have received partial funding  
 13 for facade master plans to rehabilitate storefronts in  
 14 main street Iowa districts, to complete streetscape  
 15 projects where planning and the majority of funding is  
 16 already secured, for unfunded main street challenge  
 17 grant projects, and for other building rehabilitation  
 18 projects that are currently on the department's highest  
 19 priority list:  
 20 ..... \$ 5,550,000

21 Moneys appropriated in this subsection shall not be  
 22 used for administration or planning purposes.

23 Sec. 68. 2009 Iowa Acts, chapter 174, section 6, is  
 24 repealed.

25 Sec. 69. 2009 Iowa Acts, chapter 184, section  
 26 1, subsection 3, paragraph d, is amended to read as  
 27 follows:

28 d. For historical site preservation grants to be  
 29 used for the restoration, preservation, and development  
 30 of historic sites:

31 ..... \$ 1,000,000

32 In making grants pursuant to this lettered  
 33 paragraph, the department shall consider the existence  
 34 and amount of other funds available to an applicant for  
 35 the designated project. A grant awarded from moneys  
 36 appropriated in this lettered paragraph shall not  
 37 exceed \$100,000 per project. Not more than \$200,000  
 38 may be awarded in the same county in the same round of  
 39 grant reviews.

40 Of the amount appropriated in this lettered  
 41 paragraph, \$20,000 shall be used for the administration  
 42 and support of historic sites including the hiring and  
 43 employment of seasonal workers, notwithstanding section  
 44 8.57, subsection 6, paragraph "c".

45 Sec. 70. 2009 Iowa Acts, chapter 184, section  
 46 1, subsection 12, paragraph a, is amended to read as  
 47 follows:

48 ~~a. To provide funds for capital improvements~~  
 49 ~~and for related studies for expanding passenger rail~~  
 50 ~~services in Iowa~~ For deposit in the passenger rail

1 service revolving fund created in section 327J.2,  
2 notwithstanding section 8.57, subsection 6, paragraph  
3 "c":

4 ..... \$ 3,000,000

5 Sec. 71. 2009 Iowa Acts, chapter 184, section 2,  
6 subsections 1, 2, 4, and 5, are amended by striking the  
7 subsections.

8 Sec. 72. 2009 Iowa Acts, chapter 184, section  
9 2, subsection 6, paragraph a, is amended to read as  
10 follows:

11 a. For deposit into the railroad revolving loan and  
12 grant fund created in section 327H.20A, notwithstanding  
13 section 8.57, subsection 6, paragraph "c":  
14 ..... \$ 2,000,000

15 Of the amount appropriated in this lettered

16 paragraph, \$2,000,000 shall be allocated to a city  
17 with a population between 98,300 and 98,400 in the  
18 last preceding certified federal census, for a rail  
19 trans-load facility if a federal match of funds is  
20 received.

21 Sec. 73. EFFECTIVE UPON ENACTMENT. This division,  
22 being deemed of immediate importance, takes effect upon  
23 enactment.

24 DIVISION XVIII

25 MISCELLANEOUS CODE CHANGES

26 Sec. 74. Section 8.57, subsection 6, paragraph e,  
27 Code Supplement 2009, is amended to read as follows:

28 e. (1) (a) (i) Notwithstanding provisions to the  
29 contrary in sections 99D.17 and 99F.11, for the fiscal  
30 year beginning July 1, 2000, and for each fiscal year  
31 thereafter, not more than a total of sixty-six million  
32 dollars shall be deposited in the general fund of the  
33 state in any fiscal year pursuant to sections 99D.17  
34 and 99F.11.

35 (ii) However, in lieu of the deposit in  
36 subparagraph subdivision (i), for the fiscal year  
37 beginning July 1, 2010, and for each fiscal year  
38 thereafter until the principal and interest on all  
39 bonds issued by the treasurer of state pursuant to  
40 section 12.87 are paid, as determined by the treasurer  
41 of state, the first fifty-five million dollars of  
42 the moneys directed to be deposited in the general  
43 fund of the state under subparagraph subdivision  
44 (i) shall be deposited in the revenue bonds debt  
45 service fund created in section 12.89, and the next  
46 five three million seven hundred fifty thousand dollars  
47 of the moneys directed to be deposited in the general  
48 fund of the state under subparagraph subdivision (i)  
49 shall be deposited in the revenue bonds federal subsidy  
50 holdback fund created in section 12.89, and the next

1 one million two hundred fifty thousand dollars of the  
2 moneys directed to be deposited in the general fund of  
3 the state under subparagraph subdivision (i) shall be  
4 deposited in the general fund of the state.

5 (b) The next fifteen million dollars of the moneys  
6 directed to be deposited in the general fund of the  
7 state in a fiscal year pursuant to sections 99D.17  
8 and 99F.11 shall be deposited in the vision Iowa fund  
9 created in section 12.72 for the fiscal year beginning  
10 July 1, 2000, and for each fiscal year through the  
11 fiscal year beginning July 1, 2019.

12 (c) The next five million dollars of the moneys  
13 directed to be deposited in the general fund of the  
14 state in a fiscal year pursuant to sections 99D.17 and  
15 99F.11 shall be deposited in the school infrastructure  
16 fund created in section 12.82 for the fiscal year  
17 beginning July 1, 2000, and for each fiscal year  
18 thereafter until the principal and interest on all  
19 bonds issued by the treasurer of state pursuant to  
20 section 12.81 are paid, as determined by the treasurer  
21 of state.

22 (d) (i) The total moneys in excess of the moneys  
23 deposited in the revenue bonds debt service fund,  
24 the revenue bonds federal holdback subsidy fund, the  
25 vision Iowa fund, the school infrastructure fund,  
26 and the general fund of the state in a fiscal year  
27 shall be deposited in the rebuild Iowa infrastructure  
28 fund and shall be used as provided in this section,  
29 notwithstanding section 8.60.

30 (ii) However, in lieu of the deposit in  
31 subparagraph subdivision (i), for the fiscal year  
32 beginning July 1, 2010, and for each fiscal year  
33 thereafter until the principal and interest on all  
34 bonds issued by the treasurer of state pursuant to  
35 section 12.87 are paid, as determined by the treasurer  
36 of state, ~~fifty-five~~ sixty-four million seven hundred  
37 fifty thousand dollars of the excess moneys directed to  
38 be deposited in the rebuild Iowa infrastructure fund  
39 under subparagraph subdivision (i) shall be deposited  
40 in the general fund of the state.

41 (2) If the total amount of moneys directed to  
42 be deposited in the general fund of the state under  
43 sections 99D.17 and 99F.11 in a fiscal year is  
44 less than the total amount of moneys directed to be  
45 deposited in the revenue bonds debt service fund and  
46 the revenue bonds federal subsidy holdback fund in  
47 the fiscal year pursuant to this paragraph "e", the  
48 difference shall be paid from moneys deposited in the  
49 beer and liquor control fund created in section 123.53  
50 in the manner provided in section 123.53, subsection 3.

1 (3) After the deposit of moneys directed to be  
2 deposited in the general fund of the state, ~~and the~~  
3 revenue bonds debt service fund, and the revenue  
4 bonds federal subsidy holdback fund, as provided in  
5 subparagraph (1), subparagraph division (a), if the  
6 total amount of moneys directed to be deposited in the  
7 general fund of the state under sections 99D.17 and  
8 99F.11 in a fiscal year is less than the total amount  
9 of moneys directed to be deposited in the vision Iowa  
10 fund and the school infrastructure fund in the fiscal  
11 year pursuant to this paragraph "e", the difference  
12 shall be paid from lottery revenues in the manner  
13 provided in section 99G.39, subsection 3.

14 Sec. 75. Section 8.57, subsection 6, paragraph f,  
15 Code Supplement 2009, is amended to read as follows:

16 f. There is appropriated from the rebuild Iowa  
17 infrastructure fund to the secure an advanced vision  
18 for education fund created in section 423F.2, for each  
19 fiscal year of the fiscal period beginning July 1,  
20 2008, and ending June 30, ~~2014, 2010, and for each~~  
21 fiscal year of the fiscal period beginning July 1,  
22 2011, and ending June 30, 2014, the amount of the  
23 moneys in excess of the first forty-seven million  
24 dollars credited to the rebuild Iowa infrastructure  
25 fund during the fiscal year, not to exceed ten million  
26 dollars.

27 Sec. 76. Section 8.57A, subsection 4, Code 2009, is  
28 amended to read as follows:

29 4. a. There is appropriated from the rebuild Iowa  
30 infrastructure fund for the fiscal ~~year~~ years beginning  
31 July 1, 2008, July 1, 2009, and July 1, 2011, and  
32 for each fiscal year thereafter, the sum of forty-two  
33 million dollars to the environment first fund,  
34 notwithstanding section 8.57, subsection 6, paragraph  
35 "c".

36 b. There is appropriated from the rebuild Iowa  
37 infrastructure fund for the fiscal year beginning  
38 July 1, 2010, and ending June 30, 2011, the sum of  
39 thirty-three million dollars to the environment first  
40 fund, notwithstanding section 8.57, subsection 6,  
41 paragraph "c".

42 Sec. 77. Section 8.57C, subsection 3, Code  
43 Supplement 2009, is amended to read as follows:

44 3. a. There is appropriated from the general fund  
45 of the state for the fiscal years beginning July 1,  
46 2006, July 1, 2007, July 1, ~~2010~~ 2011, and for each  
47 subsequent fiscal year thereafter, the sum of seventeen  
48 million five hundred thousand dollars to the technology  
49 reinvestment fund.

50 b. There is appropriated from the rebuild Iowa

1 infrastructure fund for the fiscal year beginning  
2 July 1, 2008, and ending June 30, 2009, the sum of  
3 seventeen million five hundred thousand dollars,  
4 and for the fiscal year beginning July 1, 2009, and  
5 ending June 30, 2010, the sum of fourteen million five  
6 hundred twenty-five thousand dollars to the technology  
7 reinvestment fund, notwithstanding section 8.57,  
8 subsection 6, paragraph "c".

9 c. There is appropriated from the rebuild Iowa  
10 infrastructure fund for the fiscal year beginning  
11 July 1, 2010, the sum of ten million dollars to the  
12 technology reinvestment fund, notwithstanding section  
13 8.57, subsection 6, paragraph "c".

14 Sec. 78. Section 12.87, subsections 1 and 2, Code  
15 Supplement 2009, are amended to read as follows:

16 1. The treasurer of state is authorized to issue  
17 and sell bonds on behalf of the state to provide funds  
18 for certain infrastructure projects and for purposes of  
19 the Iowa jobs program established in section 16.194.  
20 The treasurer of state shall have all of the powers  
21 which are necessary or convenient to issue, sell and  
22 secure bonds and carry out the treasurer of state's  
23 duties, and exercise the treasurer of state's authority  
24 under this section and sections 12.88 through 12.90.  
25 The treasurer of state may issue and sell bonds in  
26 such amounts as the treasurer of state determines to  
27 be necessary to provide sufficient funds for certain  
28 infrastructure projects and the revenue bonds capitals  
29 fund, the revenue bonds capitals II fund, the payment  
30 of interest on the bonds, the establishment of reserves  
31 to secure the bonds, the payment of costs of issuance  
32 of the bonds, the payment of other expenditures of  
33 the treasurer of state incident to and necessary or  
34 convenient to carry out the issuance and sale of the  
35 bonds, and the payment of all other expenditures of  
36 the treasurer of state necessary or convenient to  
37 administer the funds and to carry out the purposes for  
38 which the bonds are issued and sold. The treasurer of  
39 state may issue and sell bonds in one or more series  
40 on the terms and conditions the treasurer of state  
41 determines to be in the best interest of the state,  
42 in accordance with this section in such amounts as  
43 the treasurer of state determines to be necessary to  
44 fund the purposes for which such bonds are issued and  
45 sold- as follows:

46 a. The treasurer of state may issue and sell bonds  
47 in amounts which provide aggregate net proceeds of  
48 not more than ~~five hundred forty five~~ six hundred  
49 ~~ninety-five~~ million dollars, excluding any bonds issued  
50 and sold to refund outstanding bonds issued under this



1 section, as follows:

2     ~~a.~~     (1) The On or after July 1, 2009, the treasurer  
3 of state may issue and sell bonds in amounts which  
4 provide aggregate net proceeds of not more than  
5 one hundred eighty-five million dollars for capital  
6 projects which qualify as vertical infrastructure  
7 projects as defined in section 8.57, subsection 6,  
8 paragraph "c", to the extent practicable in any fiscal  
9 year and without limiting other qualifying capital  
10 expenditures.

11    ~~b.~~     (2) The On or after July 1, 2009, the treasurer  
12 of state may issue and sell bonds in amounts which  
13 provide aggregate net proceeds of not more than three  
14 hundred sixty million dollars for purposes of the Iowa  
15 jobs program established in section 16.194 and for  
16 watershed flood rebuilding and prevention projects,  
17 soil conservation projects, sewer infrastructure  
18 projects, for certain housing and public service  
19 shelter projects and public broadband and alternative  
20 energy projects, and for projects relating to bridge  
21 safety and the rehabilitation of deficient bridges.

22     (3) On or after July 1, 2010, the treasurer of  
23 state may issue and sell bonds in amounts which provide  
24 aggregate net proceeds of not more than one hundred  
25 fifty million dollars for purposes of the Iowa jobs  
26 II program established in section 16.194A and for  
27 qualified projects in the departments of agriculture  
28 and land stewardship, economic development, education,  
29 natural resources, and transportation, and the  
30 Iowa finance authority, state board of regents, and  
31 treasurer of state.

32     2. Bonds issued and sold under this section are  
33 payable solely and only out of the moneys in the  
34 revenue bonds debt service fund, the revenue bonds  
35 federal subsidy holdback fund, and any bond reserve  
36 funds established pursuant to section 12.89, and  
37 only to the extent provided in the trust indenture,  
38 resolution, or other instrument authorizing their  
39 issuance. All moneys in the revenue bonds debt service  
40 fund, the revenue bonds federal subsidy holdback  
41 fund, and any bond reserve funds established pursuant  
42 to section 12.89 may be deposited with trustees or  
43 depositories in accordance with the terms of the  
44 trust indentures, resolutions, or other instruments  
45 authorizing the issuance of bonds and pledged by the  
46 treasurer of state to the payment thereof. Bonds  
47 issued and sold under this section shall contain  
48 a statement that the bonds are limited special  
49 obligations of the state and do not constitute a debt  
50 or indebtedness of the state or a pledge of the faith



1 or credit of the state or a charge against the general  
2 credit or general fund of the state. The treasurer of  
3 state shall not pledge the credit or taxing power of  
4 this state or any political subdivision of this state  
5 or make bonds issued and sold pursuant to this section  
6 payable out of any moneys except those in the revenue  
7 bonds debt service fund, the revenue bonds federal  
8 subsidy holdback fund, and any bond reserve funds  
9 established pursuant to section 12.89.

10 Sec. 79. Section 12.89, subsection 2, Code  
11 Supplement 2009, is amended by adding the following new  
12 paragraph:

13 NEW PARAGRAPH. Od. Federal subsidies and any  
14 transfers from the revenue bonds federal subsidy  
15 holdback fund created pursuant to section 12.89A.

16 Sec. 80. NEW SECTION. 12.89A Revenue bonds federal  
17 subsidy holdback fund.

18 1. A revenue bonds federal subsidy holdback fund  
19 is created and established as a separate and distinct  
20 fund in the state treasury. The treasurer of state  
21 shall act as custodian of the fund and disburse moneys  
22 contained in the fund.

23 2. The moneys in such fund shall include all of the  
24 following:

25 a. The revenues required to be deposited in the  
26 fund pursuant to section 8.57, subsection 6, paragraph  
27 "e", subparagraphs (1) and (2).

28 b. Interest attributable to investment moneys in  
29 the fund.

30 c. Any other moneys from any other sources which  
31 may be legally available to the treasurer of state for  
32 the purpose of the fund.

33 3. The moneys in the revenue bonds federal subsidy  
34 holdback fund are appropriated and shall be used or  
35 transferred to the revenue bonds debt service fund  
36 created in section 12.89, subsection 1, solely for the  
37 purpose of making payments of principal and interest  
38 on federal subsidy bonds when due, if the treasurer  
39 of state or the treasurer's designee has not received  
40 a federal subsidy scheduled to be received for such  
41 payment by the due date.

42 4. The moneys on deposit in the revenue bonds  
43 federal subsidy holdback fund shall be used or  
44 transferred to the revenue bonds debt service fund  
45 created in section 12.89, subsection 1, solely for the  
46 purpose of making payments of principal and interest on  
47 federal subsidy bonds prior to any use or transfer of  
48 moneys on deposit in any bond reserve fund created for  
49 such federal subsidy bonds by the treasurer of state  
50 pursuant to section 12.89, subsection 3, paragraph "a".

1 5. At any time during each fiscal year that  
2 there are moneys on deposit in the revenue bonds  
3 federal subsidy holdback fund that are not needed  
4 to pay principal and interest on federal subsidy  
5 bonds during such fiscal year as determined by the  
6 treasurer of state or the treasurer's designee, such  
7 moneys on deposit in the revenue bonds federal subsidy  
8 holdback account shall be credited to the rebuild Iowa  
9 infrastructure fund of the state.

10 6. For purposes of this section:

11 a. "Federal subsidy" means any payment from the  
12 federal government with respect to federal subsidy  
13 bonds.

14 b. "Federal subsidy bonds" means any bonds issued  
15 and sold pursuant to section 12.87 for which a federal  
16 subsidy is expected to be paid on or before any date on  
17 which interest on such bonds is due and payable.

18 Sec. 81. Section 15F.204, subsection 8, paragraph  
19 a, subparagraph (6), Code Supplement 2009, is amended  
20 by striking the subparagraph.

21 Sec. 82. Section 15F.204, subsection 8, paragraph  
22 b, subparagraph (4), Code Supplement 2009, is amended  
23 by striking the subparagraph.

24 Sec. 83. Section 16.181A, Code 2009, is amended to  
25 read as follows:

26 16.181A Housing trust fund -- appropriations.

27 1. There is appropriated from the rebuild Iowa  
28 infrastructure fund to the Iowa finance authority for  
29 deposit in the housing trust fund created in section  
30 16.181, for the fiscal year beginning July 1, 2009, and  
31 ending June 30, 2010, and for each succeeding fiscal  
32 year, the sum of three million dollars.

33 2. There is appropriated from the rebuild Iowa  
34 infrastructure fund to the Iowa finance authority for  
35 deposit in the housing trust fund created in section  
36 16.181, for the fiscal year beginning July 1, 2010 and  
37 ending June 30, 2011, the sum of one million dollars.

38 Sec. 84. Section 16.192, subsections 2 and 4, Code  
39 Supplement 2009, are amended to read as follows:

40 2. Establish the Iowa jobs program pursuant to  
41 section 16.194 and the Iowa jobs II program pursuant  
42 to section 16.194A.

43 4. Award financial assistance, including financial  
44 assistance in the form of grants under the Iowa jobs  
45 program pursuant to sections 16.194, 16.194A, and  
46 16.195.

47 Sec. 85. Section 16.193, subsection 2, Code  
48 Supplement 2009, is amended to read as follows:

49 2. During the term of the Iowa jobs program  
50 established in section 16.194 and the Iowa jobs II

1 program established in section 16.194A, two hundred  
2 thousand dollars of the moneys deposited in the rebuild  
3 Iowa infrastructure fund shall be allocated each fiscal  
4 year to the Iowa finance authority for purposes of  
5 administering the Iowa jobs program, notwithstanding  
6 section 8.57, subsection 6, paragraph "c".

7 Sec. 86. NEW SECTION. 16.194A Iowa jobs II program--  
8 disaster prevention.

9 1. An Iowa jobs II program is created to assist in  
10 the development and completion of public construction  
11 projects relating to disaster prevention.

12 2. A city or county in this state that applies  
13 the smart planning principles and guidelines pursuant  
14 to sections 18B.1 and 18B.2, as enacted in this Act,  
15 may submit an application to the Iowa jobs board  
16 for financial assistance for a local infrastructure  
17 competitive grant for an eligible project under the  
18 program, notwithstanding any limitation on the state's  
19 percentage in funding as contained in section 29C.6,  
20 subsection 17.

21 3. Financial assistance under the program shall be  
22 awarded in the form of grants.

23 4. The board shall consider the following criteria  
24 in evaluating eligible projects to receive financial  
25 assistance under the program:

26 a. The total number and quality of jobs to be  
27 created and the benefits likely to accrue to areas  
28 distressed by high unemployment.

29 b. Financial feasibility, including the ability  
30 of projects to fund depreciation costs or replacement  
31 reserves, and the availability of other federal, state,  
32 local, and private sources of funds.

33 c. Sustainability and energy efficiency.

34 d. Benefits for disaster prevention.

35 e. The project's readiness to proceed.

36 5. An applicant must demonstrate local support for  
37 the project as defined by rule.

38 6. Any award of financial assistance to a project  
39 shall be limited to up to ninety percent of the total  
40 cost of the development and completion of a public  
41 construction project relating to disaster prevention.

42 7. In order for a project to be eligible to receive  
43 financial assistance from the board, the project must  
44 be a public construction project pursuant to subsection  
45 1 with a demonstrated substantial local, regional, or  
46 statewide economic impact.

47 8. The board shall not approve an application for  
48 assistance for any of the following purposes:

49 a. To refinance a loan existing prior to the date  
50 of the initial financial assistance application.

1 b. For a project that has previously received  
2 financial assistance under the program, unless the  
3 applicant demonstrates that the financial assistance  
4 would be used for a significant expansion of a project.

5 9. Any portion of an amount allocated for projects  
6 that remains unexpended or unencumbered one year after  
7 the allocation has been made may be reallocated to  
8 another project category, at the discretion of the  
9 board. The board shall ensure that all bond proceeds  
10 be expended within three years from when the allocation  
11 was initially made.

12 10. The board shall ensure that funds obligated  
13 under this section are coordinated with other federal  
14 program funds received by the state, and that projects  
15 receiving funds are located in geographically diverse  
16 areas of the state.

17 11. An applicant or combination of applicants for  
18 a project within the same county shall not be awarded  
19 more than forty percent of the funds available under  
20 this program.

21 Sec. 87. Section 16.195, subsection 2, Code  
22 Supplement 2009, is amended to read as follows:

23 2. A review committee composed of members of the  
24 board as determined by the board shall review Iowa  
25 jobs program applications submitted to the board and  
26 make recommendations regarding the applications to the  
27 board. When reviewing the applications, the review  
28 committee and the authority shall consider the project  
29 criteria specified in ~~section~~ sections 16.194 and  
30 16.194A. The board shall develop the appropriate level  
31 of transparency regarding project fund allocations.

32 Sec. 88. Section 26.3, subsection 2, Code  
33 Supplement 2009, is amended to read as follows:

34 2. A governmental entity shall have an engineer  
35 licensed under chapter 542B, a landscape architect  
36 licensed under chapter 544B, or an architect registered  
37 under chapter 544A prepare plans and specifications,  
38 and calculate the estimated total cost of a proposed  
39 public improvement. A governmental entity shall  
40 ensure that a sufficient number of paper copies  
41 of the project's contract documents, including  
42 all drawings, plans, specifications, and estimated  
43 total costs of the proposed public improvement  
44 are made available for distribution at no charge  
45 to prospective bidders, subcontractor bidders,  
46 suppliers, and contractor plan room services. If  
47 a deposit is required as part of a paper contract  
48 documents distribution policy by the public owner, the  
49 deposit shall not exceed two hundred fifty dollars per  
50 set which shall be refunded upon return of the contract

1 documents within fourteen days after award of the  
2 project. If the contract documents are not returned  
3 in a timely manner and in a reusable condition,  
4 the deposit shall be forfeited. The governmental  
5 entity shall reimburse the landscape architect,  
6 architect, or professional engineer for the actual  
7 costs of preparation and distribution of plans and  
8 specifications.

9 Sec. 89. NEW SECTION. 73.14 Minority-owned and  
10 female-owned businesses -- bond issuance services.

11 1. The state, board of regents institutions,  
12 counties, townships, school districts, community  
13 colleges, cities, and other public entities, and every  
14 person acting as contracting agent for any such entity,  
15 shall, when issuing bonds or other obligations, make  
16 a good-faith effort to utilize minority-owned and  
17 female-owned businesses for attorneys, accountants,  
18 financial advisors, banks, underwriters, insurers, and  
19 other occupations necessary to carry out the issuance  
20 of bonds or other obligations by the entity.

21 2. For purposes of this section:

22 a. "Female-owned business" means a business that is  
23 fifty-one percent or more owned, operated, and actively  
24 managed by one or more women.

25 b. "Minority-owned business" means a business that  
26 is fifty-one percent or more owned, operated, and  
27 actively managed by one or more minority persons.

28 Sec. 90. Section 123.53, subsections 3 and 4, Code  
29 Supplement 2009, are amended to read as follows:

30 3. Notwithstanding subsection 2, if gaming revenues  
31 under sections 99D.17 and 99F.11 are insufficient  
32 in a fiscal year to meet the total amount of such  
33 revenues directed to be deposited in the revenue  
34 bonds debt service fund and the revenue bonds federal  
35 subsidy holdback fund during the fiscal year pursuant  
36 to section 8.57, subsection 6, paragraph "e", the  
37 difference shall be paid from moneys deposited in the  
38 beer and liquor control fund prior to transfer of such  
39 moneys to the general fund pursuant to subsection 2  
40 and prior to the transfer of such moneys pursuant  
41 to subsections 5 and 6. If moneys deposited in the  
42 beer and liquor control fund are insufficient during  
43 the fiscal year to pay the difference, the remaining  
44 difference shall be paid from moneys deposited in the  
45 beer and liquor control fund in subsequent fiscal years  
46 as such moneys become available.

47 4. The treasurer of state shall, each quarter,  
48 prepare an estimate of the gaming revenues and of  
49 the moneys to be deposited in the beer and liquor  
50 control fund that will become available during the

1 remainder of the appropriate fiscal year for the  
2 purposes described in subsection 3. The department of  
3 management, the department of inspections and appeals,  
4 and the department of commerce shall take appropriate  
5 actions to provide that the sum of the amount of gaming  
6 revenues available to be deposited into the revenue  
7 bonds debt service fund during a fiscal year and the  
8 amount of moneys to be deposited in the beer and liquor  
9 control fund available to be deposited into the revenue  
10 bonds debt service fund and the revenue bonds federal  
11 subsidy holdback fund during such fiscal year will be  
12 sufficient to cover any anticipated deficiencies.

13 Sec. 91. Section 327H.20A, subsection 3, Code  
14 Supplement 2009, is amended to read as follows:

15 3. Notwithstanding any other provision to the  
16 contrary, on or after July 1, 2006, moneys received as  
17 repayments for loans made pursuant to this chapter or  
18 chapter 327I, Code 2009, before, on, or after July 1,  
19 2005, other than repayments of federal moneys subject  
20 to section 327H.21, shall be credited to the railroad  
21 revolving loan and grant fund. Notwithstanding section  
22 8.33, moneys in the railroad revolving loan and grant  
23 fund shall not revert to the ~~general fund of the~~  
24 ~~state fund from which it was appropriated~~ but shall  
25 remain available indefinitely for expenditure under  
26 this section.

27 Sec. 92. Section 327J.2, subsection 3, Code  
28 Supplement 2009, is amended to read as follows:

29 3. No reversion. Notwithstanding section 8.33, any  
30 balance in the fund on June 30 of any fiscal year shall  
31 not revert to the ~~general fund of the state fund from~~  
32 which it was appropriated.

33 Sec. 93. REPEAL. Sections 8.57D, 12.90A, 12.90B,  
34 12.90C, 16.185, 16.186, 16.187, and 313.68, Code  
35 Supplement 2009, are repealed.>

By COHOON of Des Moines

H-8657 FILED MARCH 29, 2010

SENATE FILE 2379

H-8653

1 Amend Senate File 2379, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 8, by striking lines 27 and 28 and  
4 inserting:

5 ~~<c. The person is not addicted to the use of~~  
6 ~~alcohol or a controlled substance.>~~

7 2. Page 8, line 34, by striking <c.> and inserting  
8 b.>

9 3. Page 8, line 35, by striking <d.> and inserting  
10 c.>

By SWAIM of Davis  
BAUDLER of Adair

H-8653 FILED MARCH 29, 2010

SENATE FILE 2379

H-8659

1 Amend Senate File 2379, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 6, before line 24 by inserting:  
4 <1B. A sheriff shall apply all requirements of this  
5 chapter regarding the issuance and renewal of permits  
6 but may apply more restrictive qualifications if deemed  
7 necessary.>  
8 2. Page 9, after line 24 by inserting:  
9 <2A. A sheriff shall apply all requirements of this  
10 chapter regarding the issuance and renewal of permits  
11 but may apply more restrictive qualifications if deemed  
12 necessary.>  
13 3. By renumbering as necessary.

**By** MASCHER of Johnson

H-8659 FILED MARCH 29, 2010

SENATE FILE 2389

H-8654

1 Amend Senate File 2389, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 17, line 13, by striking  
4 <existingcourthouse> and inserting <existing  
5 courthouse>  
6 2. Page 19, line 22, by striking <on a lake> and  
7 inserting <in a state park>

**By** COHOON of Des Moines

H-8654 FILED MARCH 29, 2010



H-8656

1 Amend Senate File 2389 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 75, after line 29 by inserting:

4 <Sec. \_\_\_\_\_. Section 16.193, Code Supplement 2009, is  
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 3. a. During the term of the  
7 Iowa jobs program, the Iowa finance authority shall  
8 collect data on all of the projects approved for the  
9 program. The department of management and the state  
10 agencies associated with the projects shall assist the  
11 authority with the data collection and in developing  
12 the report required by this subsection. The authority  
13 shall report quarterly to the governor and the general  
14 assembly concerning the data.

15 b. The report shall include but is not limited to  
16 all of the following:

17 (1) The nature of each project and its purpose.

18 (2) The status of each project and the amount and  
19 percentage of program funds expended for the project.

20 (3) The outside funding that is matched or  
21 leveraged by the program funds.

22 (4) The number of jobs created or retained by each  
23 project.

24 (5) For each project, the names of the project  
25 contractors, state of residence of the project  
26 contractors, and the state of residence of the  
27 contractors' employees.

28 c. The authority shall maintain an internet site  
29 that allows citizens to track project data on a  
30 county-by-county basis.>

31 2. Page 80, after line 18 by inserting:

32 <Sec. \_\_\_\_\_. EFFECTIVE DATE AND APPLICABILITY. This  
33 section of this division of this Act enacting section  
34 16.193, subsection 3, being deemed of immediate  
35 importance, takes effect upon enactment, and applies to  
36 projects approved on, before, and after the effective  
37 date of the section.>

38 3. By renumbering as necessary.

By STECKMAN of Cerro Gordo  
H. MILLER of Webster  
GASKILL of Wapello  
SMITH of Marshall  
THEDE of Scott  
WINCKLER of Scott  
BEARD of Winneshiek  
T. OLSON of Linn  
WENTHE of Fayette  
KELLEY of Black Hawk  
PETERSEN of Polk  
WESSEL-KROESCHELL of Story  
THOMAS of Clayton  
HUNTER of Polk  
REICHERT of Muscatine  
COHOON of Des Moines  
PALMER of Mahaska  
BAILEY of Hamilton

MAREK of Washington  
REASONER of Union  
WHITEAD of Woodbury  
ISENHART of Dubuque  
MASCHER of Johnson  
RUNNING-MARQUARDT of Linn  
FREVERT of Palo Alto  
KUHN of Floyd  
KEARNS of Lee  
MERTZ of Kossuth  
TAYLOR of Linn  
HEDDENS of Story  
BERRY of Black Hawk  
LYKAM of Scott  
BELL of Jasper  
SWAIM of Davis  
ABDUL-SAMAD of Polk  
FORD of Polk

H-8656 FILED MARCH 29, 2010

SENATE FILE 2389

H-8658

1 Amend Senate File 2389, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 17, line 13, by striking  
4 <existingcourthouse> and inserting <existing  
5 courthouse>  
6 2. Page 19, line 22, by striking <on a lake> and  
7 inserting <in a state park>  
8 3. Page 56, after line 19 by inserting:  
9 g. The department for the blind storage facility.>  
10 4. Page 75, line 34, after <prevention> by  
11 inserting <including but not limited to the  
12 construction of, or the replacement or reconstruction  
13 of, local public buildings in a manner that mitigates  
14 damages from future disasters, including flooding>  
15 5. Page 76, line 28, after <prevention> by  
16 inserting <consistent with the purposes of the program  
17 as specified in subsection 1>  
18 6. By renumbering as necessary.

By COHOON of Des Moines

H-8658 FILED MARCH 29, 2010

H-8660

1 Amend Senate File 2389, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 19, line 15, after <Act> by inserting <,  
4 except that a city or county applying smart planning  
5 principles and guidelines shall not implement or  
6 undertake a planning, zoning, development, or resources  
7 management decision that involves the use of eminent  
8 domain authority under chapter 6A or 6B>

9 2. Page 24, after line 1 by inserting:

10 <0A Property rights. Planning, zoning,  
11 development, and resource management shall take into  
12 account the impact of decisions upon the property  
13 rights of landowners and shall consider opportunities  
14 to avoid the infringement or deprivation of those  
15 rights.>

16 3. Page 67, after line 17 by inserting:

17 <Sec. \_\_\_\_\_. Section 6B.14, subsection 2, Code  
18 Supplement 2009, is amended to read as follows:

19 2. Prior to the meeting of the commission, the  
20 commission or a commissioner shall not communicate  
21 with the applicant, property owner, or tenant, or  
22 their agents, regarding the condemnation proceedings.  
23 The commissioners shall meet in open session to view  
24 the property and to receive evidence, but may and  
25 shall deliberate and vote in closed open session.  
26 ~~When deliberating in closed session, the meeting~~  
27 ~~is closed to all persons who are not commissioners~~  
28 ~~except for personnel from the sheriff's office if~~  
29 ~~such personnel is requested by the commission. After~~  
30 ~~deliberations commence, the commission and each~~  
31 ~~commissioner is prohibited from communicating with~~  
32 ~~any party to the proceeding unless such communication~~  
33 ~~occurs in the presence of or with the consent of the~~  
34 ~~property owner and the other parties who appeared~~  
35 ~~before the commission or their agents. However, if~~  
36 ~~the commission is deliberating in closed session, and~~  
37 ~~after deliberations commence the commission requires~~  
38 ~~further information from a party or a witness, the~~  
39 ~~commission shall notify the property owner and the~~  
40 ~~acquiring agency that they are allowed to attend the~~  
41 ~~meeting at which such additional information shall~~  
42 ~~be provided but only for that period of time during~~  
43 ~~which the additional information is being provided.~~  
44 ~~The property owner and the acquiring agency shall~~  
45 ~~be given a reasonable opportunity to attend the~~  
46 ~~meeting.~~ The commission shall keep minutes of all its  
47 meetings showing the date, time, and place, the members  
48 present, and the action taken at each meeting. The  
49 minutes shall show the results of each vote taken and  
50 information sufficient to indicate the vote of each

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1 member present. ~~The vote of each member present shall~~  
2 ~~be made public at the open session.~~ The minutes shall  
3 be public records open to public inspection.>  
4 4. Page 77, after line 30 by inserting:  
5 <Sec. \_\_\_\_\_. NEW SECTION. 21.12 Condemnation  
6 proceedings -- deliberations.  
7 Compensation commissioners shall meet, deliberate,  
8 and vote in open session when condemning private land  
9 through the process established in chapter 6B pursuant  
10 to section 6B.14, subsection 2.>  
11 5. By renumbering as necessary.

By KAUFMANN of Cedar  
TYMESON of Madison

H-8660 FILED MARCH 29, 2010

SENATE FILE 2389

H-8661

1 Amend Senate File 2389, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 13, line 22, by striking <July> and  
4 inserting <April>  
5 2. Page 22, after line 17 by inserting:  
6 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The section  
7 of this division of this Act enacting section 12.88A,  
8 being deemed of immediate importance, takes effect upon  
9 enactment.>  
10 3. Page 72, line 14, by striking <July> and  
11 inserting <April>  
12 4. Page 75, by striking line 5 and inserting  
13 <fiscal year beginning July 1, 2009, ~~and ending June~~  
14 ~~30, 2010,~~ and ending July 1, 2011,>  
15 5. Page 80, after line 18 by inserting:  
16 <Sec. \_\_\_\_\_. EFFECTIVE DATES AND APPLICABILITY.  
17 1. The section of this division of this Act  
18 amending section 12.87, being deemed of immediate  
19 importance, takes effect upon enactment.  
20 2. The section of this division of this Act  
21 enacting section 16.193, subsection 3, being deemed of  
22 immediate importance, takes effect upon enactment, and  
23 applies to projects approved on, before, and after the  
24 effective date of the section.>  
25 6. By renumbering as necessary.

By COHOON of Des Moines

H-8661 FILED MARCH 29, 2010